

Exhibit 28

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

INTERNATIONAL PAPER COMPANY,
Plaintiff,

Case No.

vs.

2:22cv-02789-MSN-CGC

BEAZLEY INSURANCE COMPANY, INC.,
and ZURICH AMERICAN INSURANCE
COMPANY,

Defendants.

VIDEOTAPED

DEPOSITION OF: MARK W. ALLEN

(Appearing via Zoom)

DATE: December 20, 2023

TIME: 10:05 AM

LOCATION OF

THE WITNESS: Charleston, SC

REPORTED BY: Sandra K. Bjerke, RDR, CRR, CBC
(Appearing via Zoom)

1 APPEARANCES OF COUNSEL:

2 ATTORNEYS FOR THE PLAINTIFF

INTERNATIONAL PAPER COMPANY:

3 K&L GATES, LLP

4 BY: NATHAN TOWNSEND

(Appearing via Zoom)

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7
8 ATTORNEYS FOR THE DEFENDANT

9 BEAZLEY INSURANCE COMPANY, INC.:

10 ROBINSON & COLE LLP

BY: WILLIAM MAXWELL DALEY

11 (Appearing via Zoom)

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12 Boston, MA 02108

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14
15 ALSO PRESENT:

16 Roosevelt Harrison, Videographer

(Appearing via Zoom)

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18
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20
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22
23
24 (INDEX AT REAR OF TRANSCRIPT)
25

1 THE VIDEOGRAPHER: All right. Good
2 morning. We're now on the record. The time on the
3 monitor is 10:05 AM Eastern Standard Time. Today's
4 date is December 20th, 2023.

5 This is the video-recorded deposition
6 of Mr. Mark W. Allen in the matter of International
7 Paper Company versus Beazley Insurance Company,
8 Inc., et al., filed in the United States District
9 Court for the Western District of Tennessee,
10 Western Division. This deposition is being
11 conducted remotely through Zoom.

12 Counsel, please introduce yourselves,
13 after which our court reporter will swear in
14 Mr. Allen.

15 MR. DALEY: Nate, do you want to take
16 it?

17 MR. TOWNSEND: Sure. Good morning.
18 This is Nathan Townsend from K&L Gates representing
19 International Paper Company.

20 MR. DALEY: And William Daley from
21 Robinson & Cole on behalf of Defendant Beazley
22 Insurance Company.

23 (Whereupon, the oath was administered
24 to the witness by the court reporter.)

25 MR. DALEY: Nate, stipulation as to all

1 objections except as to form reserved until trial?

2 MR. TOWNSEND: Yes, that's appropriate.

3 Thanks, Max.

4 MR. DALEY: Okay. Great. Of course.

5 MARK W. ALLEN,

6 being first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. DALEY:

9 Q. And, Mr. Allen, I know -- just
10 introduced ourselves for the record, but as you
11 know, my name's Max Daley. I represent the
12 defendant in this matter, Beazley Insurance
13 Company, and we are the ones who served you with
14 the subpoena to testify here today.

15 If you could, just take a second and
16 place your name on the record and just spell that
17 out.

18 A. Mark W. Allen. M-A-R-K, W, A-L-L-E-N.

19 Q. Thank you, Mr. Allen. Mr. Allen,
20 sometimes what we do is if a witness wants to
21 review the transcript and see if there are any
22 corrections that they want to make, we'll give them
23 a copy of the transcript and they'll have 30 days
24 to make those changes and get it back to the court
25 reporter. And if they don't have any changes or if

1 they don't return the transcript within that 30
2 days, it's deemed to be signed and accurate.

3 Would you like to have the opportunity
4 to review your transcript here?

5 A. Sure.

6 Q. Okay. And so what will happen is the
7 reporter will -- the reporter or myself will get
8 that to you, and you'll have 30 days to review
9 that, make any annotations and then return it.
10 Okay. So that sounds good.

11 Mr. Allen, have you ever gone by any
12 other names?

13 A. No.

14 Q. And what's your date of birth?

15 A. April 12th, 1956.

16 Q. And you currently live in South
17 Carolina; is that correct?

18 A. Correct.

19 Q. Have you lived in any other states?

20 A. Yes.

21 Q. How many?

22 A. Two; Louisiana and Mississippi.

23 Q. For about how long did you live in
24 each?

25 A. Mississippi was four. That was easy.

1 Louisiana, a little more complicated. 13, I think.

2 Q. Do you recall roughly the time periods
3 you were in both?

4 A. Oh, yeah. Time periods I know for
5 sure. In Louisiana, I was there from '78 to '87.
6 And Mississippi, '87 to -- I'm sorry. Not
7 eighty -- that's not right. '87. I mean, back in
8 there. I thought it was easy. I'll have to
9 remember it because I lived in three different
10 locations in Louisiana, so I kind of -- moved to
11 Mississippi in '97. And then in -- moved to --
12 back to South Carolina in 2000, more or less.

13 Q. Okay. That works. Sometimes okay to
14 take the scenic route; right?

15 A. Yeah. Well, I worked for International
16 Paper, actually, so -- Arizona Chemicals originally
17 and then International Paper.

18 Q. Got it. Okay. And have you ever been
19 deposed before?

20 A. No.

21 Q. So I'm going to go over what I call the
22 ground -- kind of the ground rules for the
23 deposition. My opposing counsel, Nate here, has
24 heard these from me far too many times already, so
25 I'll apologize to him, but it doesn't take too

1 long, Mr. Allen. And these are just kind of
2 helpful things to keep in mind throughout the day
3 that should just make the process a little more
4 smoother, you know, and keep us as efficient as we
5 can be here.

6 So in the deposition it's going to be
7 my job to ask questions, and your answers to those
8 questions will be recorded by the reporter. In
9 order for her to do that we both need to speak up,
10 you need to answer my questions orally because she
11 can't take down a um-hum or a head nod or things
12 like that; right?

13 And so does that make sense, that
14 whenever we're interacting today to try to speak up
15 and make sure that whatever your answer to my
16 question is, you make it an oral statement? Does
17 that make sense?

18 A. Sure.

19 Q. So I just said my job today will be to
20 ask questions. Perhaps better stated, my job today
21 will be to ask clear questions, questions you can
22 understand. And if you don't understand any of my
23 questions today for any reason, please don't try to
24 decipher, you know, and try to figure out where I
25 might be going with it. Just let me know you don't

1 understand the question.

2 If there's a piece of it, right, if you
3 can specify, you know, I don't understand what you
4 mean by this or that or if there's any way to kind
5 of let me know the specific piece of the question
6 that doesn't work, that would be great. But
7 otherwise, if you just let me know if you don't
8 understand the question, I'll try to ask a better
9 question. Does that make sense?

10 A. Sure.

11 Q. If you need a break at any point in
12 time today, you know, for any reason just let us
13 know. Pretty much the only exception to that will
14 be if you're in the middle of answering a question
15 and you realize you need a break, I'll probably ask
16 you to finish your answer before we take the break,
17 but other than that, if you need time today it
18 shouldn't be an issue. Does that make sense?

19 A. Yes.

20 Q. So we went over -- I'll ask the
21 questions, you'll give the answers. Hopefully
22 they're good questions you can give an answer to.

23 Whenever one of us is speaking, though,
24 we should try not to speak over each other, you
25 know, and that will apply for me, you and Nate;

1 right? We want the court reporter to be able to
2 make a clean transcript, and it's difficult for her
3 if we're talking over each other to accurately
4 record what we're all saying and in the correct
5 order.

6 So as we go on today I'm sure you'll
7 get comfortable more or less with my cadence,
8 right, and you'll know when I'm about to finish up
9 the question and it will be very natural for you to
10 want to start to speak and jump in. But if you
11 just take a -- let me make sure I'm done, take a
12 tick before you start to answer, that should help
13 us generate a clean transcript today. Does that
14 make sense?

15 A. Yes.

16 Q. Sometimes it might happen today that
17 you'll -- you know, I'll ask a question, it will be
18 one you understand and give an answer to, and then,
19 you know, we'll get down the road a little bit and
20 maybe an answer to another question will jog your
21 memory or, you know, you'll just remember
22 something, something that you would have added on
23 to that answer earlier.

24 If that happens today I would just ask
25 that you say, you know, I just remembered another

1 part of that answer I was giving earlier about, you
2 know, X or Y and just give us whatever that
3 additional piece of information is. Does that make
4 sense?

5 A. Yes.

6 Q. And do you understand that the oath
7 you've taken today is the same oath that you would
8 take in a court of law and you have a duty to
9 testify as if testifying at trial?

10 A. Yes.

11 Q. Okay. I am next going to ask you some
12 questions about your ability to testify accurately
13 and truthfully here today. I'm not trying to imply
14 anything by these questions; right?

15 Some of them are the kinds of questions
16 that if someone were to just ask you on the street
17 you might take the wrong way and I would certainly
18 understand, but we're just trying to make sure that
19 you're in a state today where you can give
20 competent testimony, you know, and certainly not
21 trying to imply anything by them.

22 And so the first one of those questions
23 would be: Do you have any medical condition or
24 impairment that would inhibit your ability to
25 testify truthfully today?

1 A. No.

2 Q. Are you taking any medications or drugs
3 of any kind that might make it difficult for you to
4 understand and answer my questions today?

5 A. No.

6 Q. Have you had anything alcoholic to
7 drink in the last eight hours?

8 A. No.

9 Q. Are you sick at all today?

10 A. No.

11 Q. Lucky you. I'm fighting a cold off
12 myself, but wasn't going to call today off, but
13 happy to hear that.

14 Are you currently under a doctor's care
15 for any illness that would impact your ability to
16 testify here today?

17 A. No.

18 Q. And lastly, is there any reason you can
19 think of why you would not be able to answer my
20 questions completely and accurately today?

21 A. No.

22 Q. Next question, similar vein. Again,
23 don't mean to imply anything by it. Just a
24 standard question. Have you ever been convicted or
25 charged with a crime?

1 A. Yes.

2 Q. And what was it?

3 A. It was indecent exposure.

4 Q. And when was that?

5 A. 40 years ago.

6 Q. Anything else?

7 A. No.

8 Q. In preparing for your testimony here
9 today did you discuss this case with anybody?

10 A. Yes.

11 Q. Who was that?

12 A. You.

13 Q. And when was that?

14 A. I don't remember. Couple of weeks ago.

15 Q. Do you recall how long we spoke for,
16 roughly?

17 A. 30 minutes.

18 Q. Do you recall what we discussed?

19 A. Basically what the deposition was
20 about.

21 Q. Did you review any documents to prepare
22 for today?

23 A. No.

24 Q. Did you try to find any documents to
25 prepare for today?

1 A. No.

2 Q. Do you think you have any documents
3 that would help you with your testimony today?

4 A. No.

5 Q. So there'll be some terms that I might
6 use frequently today, and I just want to make sure
7 that we have a mutual understanding of what I'll
8 mean by those terms. So I'll just run through
9 those, make sure we're on the same page.

10 Of course, like I said earlier, right,
11 if you don't understand what I'm saying by any of
12 these or you're not familiar with that entity, just
13 let me know.

14 A. Okay.

15 Q. And so the first one will be
16 International Paper. I might refer to them as IP.
17 Does that make sense?

18 A. Yes.

19 Q. The second one is going to be Sitaraman
20 Jagannath. I might call him Jagannath or Jag.
21 Does that make sense?

22 A. Jag would probably be best.

23 Q. I will refer to him as Jag. The next
24 one will be --

25 (Court reporter asked for clarification

1 due to feedback.)

2 THE WITNESS: That's how he referred to
3 himself.

4 BY MR. DALEY:

5 Q. Certainly. No, that's -- and saves me
6 a couple syllables and our reporter at least a few
7 letters there at the end.

8 Next up will be Shiv Kumar Seetharaman.
9 I will refer to him as Shiv. Does that make sense?

10 A. Sure.

11 Q. The next one is Diversified Global
12 Sourcing, Incorporated. I'll refer to that as DGS.
13 Does that make sense?

14 A. Yes.

15 Q. The next one is going to be Mid South
16 Diversity Group, Inc. I'll call them Mid South.
17 Does that make sense?

18 A. Sure.

19 Q. Okay. And that will be it for now.
20 And so what we're going to do next is turn to your
21 background a bit and just kind of talk about
22 education, job history and some things like that.
23 And so with that, what is your highest level of
24 formal education?

25 A. Master's degree.

1 Q. And where did you get your master's?

2 A. LSU.

3 Q. And what did you get your master's in?

4 A. Chemical engineering.

5 Q. And what year did you graduate?

6 A. '86. No. '87.

7 Q. Okay. '86 or '87.

8 A. Yeah. I -- it's been a while.

9 Q. Understandable. And did you have any
10 special concentration other than chemical
11 engineering while you were there?

12 A. Yes; process control.

13 Q. Could you describe that to me just a
14 little bit, if you could, from a 10,000-foot point
15 of view?

16 A. Using computer programs to manipulate
17 flows to make product within specification.

18 Q. Okay. Thank you.

19 A. Is that good enough?

20 Q. That's good enough. For what it's
21 worth, that was pretty good on my end.

22 And so for undergrad, where did you go?

23 A. University of South Carolina.

24 Q. And what was your major there?

25 A. Chemical engineering.

1 Q. And when did you graduate?

2 A. '78.

3 Q. Do you hold any professional
4 certifications or accreditations?

5 A. No.

6 Q. Any other specialized training?

7 A. No.

8 Q. Any other education, maybe, you know, a
9 degree you didn't finish or anything like that?

10 A. No.

11 Q. All right. And we're going to turn to
12 your employment history here next. So graduated
13 with your undergrad degree in '78?

14 A. Correct.

15 Q. Did you go into the field at all then,
16 or did you go to graduate school right from there?

17 A. Yes. I moved to Lake Charles,
18 Louisiana, and worked for Olin Chemicals from
19 eighty -- from '78 to '82.

20 Q. And what did you do at Olin?

21 A. I was a process engineer.

22 Q. And could you tell me a little bit
23 about what that entailed?

24 A. Well, I held various positions while
25 there. So the last position I had was in a process

1 design group and designed equipment. Well, close
2 enough. Designed the equipment to improve the
3 process, worked on projects.

4 Q. And would that be the chemical
5 production process?

6 A. Roughly, yes. Or supporting equipment.

7 Q. And did you say you were there for
8 roughly four years?

9 A. Right.

10 Q. And was that when you went back to
11 school for your master's?

12 A. A little bit later. I was unemployed
13 for a couple of years, actually.

14 Q. Okay. And so then you went back, got
15 your master's at LSU?

16 A. Correct.

17 Q. And what was the first position you
18 held after that?

19 A. With -- it started out being Reichhold
20 Chemicals. R-E-I-C-H-O-L-D. And Reichhold was
21 purchased by Arizona Chemicals and -- or at least
22 my plant was, several plants, and so it became
23 Arizona Chemicals, which was a division -- started
24 out being a division of International Paper. No.
25 A subsidiary of and became a division of. I'm not

1 exactly sure what the legal differences there are,
2 but anyhow.

3 Q. Okay.

4 A. So I was there until eighty -- no.
5 '96. '87 to '96; is that right? Something close.

6 Q. Roughly.

7 A. Roughly.

8 Q. Roughly is fine. Sorry if I
9 interrupted. But especially if I'm asking you
10 about -- you know, if we're going a ways back, you
11 know, I don't expect you to always have exact dates
12 for anything, and that's probably something I
13 should have said earlier.

14 If I do ask you about any time periods
15 today and you're not sure about them, you know, the
16 best estimation you can give is, you know, just
17 fine and, you know, it could be a range of years,
18 it could be a time of the year. You know, whatever
19 it is that helps you place it at some point in
20 time, if you could just give me that reference
21 point, that's great. So especially on these when
22 we're just kind of talking about job history, you
23 know, it doesn't have to be exact, certainly. So
24 rough estimations are just fine.

25 Okay. And so you were there for --

1 A. Roughly six years.

2 Q. -- about -- okay. Yeah. About six
3 years. Was that a similar position to the one that
4 you held at Olin?

5 A. I was the plant engineer at the Arizona
6 Chemical plant, so I did a multitude of things.

7 Q. Could you describe those a little bit?

8 A. Well, I did capital projects, installed
9 computer systems, I -- the last little while that I
10 was there I was the production manager for one of
11 the units. Area supervisor I think was the
12 official -- in charge of scheduling and personnel
13 and that kind of stuff.

14 Q. Okay. And so early to mid-'90s you
15 leave Arizona Chemical. Where do you end up?

16 A. International Paper, Vicksburg,
17 Mississippi.

18 Q. And so you mentioned that Arizona
19 Chemical became a subsidiary or division of
20 International Paper; is that right?

21 A. It always was. The plant that I was
22 part of was purchased by Arizona Chemicals.

23 Q. And so when you went to work at IP, was
24 that taking a new position or was it a transfer?

25 A. It was a completely different job, but

1 it was -- it was a transfer. All of my time at
2 Arizona Chemicals was counted as International
3 Paper time, so it was all within the same big
4 company.

5 Q. Okay.

6 A. I became -- I was part of the process
7 technology group control systems implementation.

8 Q. And what did you do in that role?

9 A. Programmed computers to make the
10 process better.

11 Q. And would that be the paper production
12 process?

13 A. Everywhere in the mill.

14 Q. So for the various processes that the
15 mill utilized?

16 A. The paper machine, the digesters, the
17 lime kiln. All of the various areas.

18 Q. And about how long did you hold that
19 position for?

20 A. Well, I was four years in Vicksburg and
21 then four years in Georgetown, South Carolina.

22 Q. And so when you were in Vicksburg, were
23 you responsible for any other mills or just the
24 Vicksburg mill?

25 A. I became responsible for a short time

1 of the Bastrop mill called the Louisiana mill when
2 my counterpart there was killed by a drunk driver.

3 Q. Okay. All right. And so that was for
4 about four years there?

5 A. Right.

6 Q. And then you said you went to
7 Georgetown, South Carolina?

8 A. Correct.

9 Q. Was that a similar position?

10 A. Exactly the same position.

11 Q. Any reason for the move given that it
12 was a similar position or...

13 A. I moved to South Carolina because my
14 parents were in Charleston and getting old.

15 Q. Got it. And about how long did you
16 have that position for?

17 A. Until IP eliminated the department in
18 two thousand -- no. 2000. Maybe 2001. I don't
19 remember exactly.

20 Q. Okay. And was that a one-mill position
21 or a multiple-mill position?

22 A. I was sent to other mills, but I really
23 didn't have any responsibility for -- none of the
24 projects that we were proposing at the other mills
25 came to pass, so I didn't really work at any of the

1 other mills.

2 Q. And so you were there until about
3 2000-2001. What was the next position you held
4 after that?

5 A. I semiretired at that point and my
6 parents had died and so I was managing the estate
7 and that kind of stuff.

8 Q. Okay. And about how long did that
9 semiretirement last?

10 A. Until about 2008, 2009. Somewhere in
11 there.

12 Q. Okay. And what position did you take
13 in 2008-2009?

14 A. A customer service rep for DGS.

15 Q. And how did you learn about that
16 position, if you recall?

17 A. Craigslist.

18 Q. And so I take it you applied. Was
19 there an interview process?

20 A. Yes.

21 Q. Do you recall what it looked like?

22 A. I drove up to Georgetown and met
23 with -- well, I call him Kumar, but you call him
24 Shiv, and Jyotika, the other -- she was the office
25 manager, and, you know, talked about what the

1 contract that they were hoping to get looked like
2 and how I might be able to help them locally.
3 Relatively locally, anyhow.

4 Q. And what did that contract look like?

5 A. I don't know what the contract looked
6 like. I know it was for supplying wet strength to
7 the Georgetown mill.

8 Q. And could you describe what wet
9 strength is?

10 A. It is a chemical additive to the paper
11 when they're producing drywall tape. It helps the
12 paper be strong when it's wet.

13 Q. And did you ultimately accept that
14 position?

15 A. Yes.

16 Q. And that was in 2008 or 2009?

17 A. Somewhere in there, yeah.

18 Q. And the position was as a customer
19 service rep; is that right?

20 A. The official title was technical
21 service, but I didn't do any technical service. I
22 was -- it was customer service.

23 Q. And so what would you say that you did
24 do in your position?

25 A. I interfaced with the production

1 engineer for scheduling. They were unhappy with
2 their previous supplier, and so scheduled trucks to
3 be delivered there at an appropriate time.

4 Q. And this was when you started in about
5 2008 or 2009?

6 A. Roughly, yes.

7 Q. And did you do anything else at that
8 time?

9 A. No.

10 Q. And about how long were you at DGS?

11 A. Until -- until the contract was
12 canceled in -- when was it, 2019?

13 Q. And so over the roughly 10 years there,
14 did you hold any other positions other than
15 technical service?

16 A. No. Can't be 10 years. So somewhere
17 the dates are wrong, but it was about eight years,
18 so...

19 Q. So maybe 2010 or 2011 you started as
20 opposed to --

21 A. Maybe.

22 Q. Yeah. Somewhere in that range.

23 A. Yeah.

24 Q. And over the course of your time there
25 did the number of mills that you worked with

1 change?

2 A. Yes.

3 Q. And could you describe that to me a
4 little bit?

5 A. We picked up other chemicals and other
6 mills, and what that process was, I don't know, but
7 at the end it was nearly 10 mills. Something in
8 that vicinity. Mostly at the end it was bleach,
9 but we did also size for the Springfield -- is it
10 Oregon or Washington? Somewhere up in the
11 Northwest. And another chemical -- I forget which,
12 what it was -- for a mill that shut down in
13 Alabama? I forget.

14 Q. And so when you left DGS in 2019, did
15 you take another position after that?

16 A. No. I retired.

17 Q. And so you've been retired since then?

18 A. Yes.

19 Q. So I want to talk about DGS a little
20 bit. As far as employees go, I've referred to him
21 as Shiv. I see -- I heard you say you refer to him
22 as Kumar. Could you describe to me a bit what his
23 role was at DGS?

24 A. He was the boss. Owner, you know.
25 Whatever.

1 Q. And what were your interactions with
2 him like?

3 A. On the telephone. I think I was
4 face-to-face with him twice: once for the initial
5 interview and then another time in Memphis, and
6 don't remember exactly when that was, but...

7 Q. Did you speak with him often?

8 A. Not too often. Only when there was a
9 problem, really, or when we were picking up a new
10 mill or he had wanted me to go someplace or -- you
11 know, it was...

12 Q. And so you were largely self-sufficient
13 in your role; is that right?

14 A. Yes.

15 Q. Did you know what Shiv's background was
16 in chemicals?

17 A. Not really.

18 Q. Did you know his education?

19 A. No.

20 Q. All right. I am going to butcher this
21 pronunciation and I heard you say it earlier. I
22 told myself I would try to remember.

23 A. Jyotika.

24 Q. Jyotika?

25 A. Jyotika, yeah.

1 Q. Jyotika.

2 A. Right.

3 Q. Jyotika Balsara?

4 A. Sounds right.

5 Q. Okay. Could you -- what was her role
6 at DGS?

7 A. She handled the money.

8 Q. And did you work with her often?

9 A. Well, I sent her -- when I ordered a
10 truck I sent her a copy of the bill of lading or
11 the -- you know, the scheduling request and so that
12 she would know that a bill was coming and, you
13 know, that kind of stuff, but I didn't -- she was
14 in California, I'm in Charleston, so, you know,
15 it...

16 Q. And so she took care of order
17 processing; is that right?

18 A. Bills. I mean, accounts receivable,
19 accounts payable.

20 Q. Would you say that you were the one
21 responsible for placing the order?

22 A. Yes.

23 Q. And then she would handle the
24 accounting piece of it, I guess we could call it?

25 A. Yes.

1 Q. What about Heather Darnell?

2 A. She came on later to assist me. She
3 did data entry and covered for me when I was
4 traveling.

5 Q. Do you recall roughly how long she was
6 there for?

7 A. No. Three years, maybe. I...

8 Q. And did you say she was there up until
9 you were?

10 A. Yes.

11 Q. So she left in 2019, joined in roughly
12 2015, 2016?

13 A. Roughly.

14 Q. And she assisted you with data entry
15 and kind of covering when you weren't around; is
16 that right?

17 A. Correct.

18 Q. Anything else she did?

19 A. No.

20 Q. And do you know what her background
21 was?

22 A. She worked for Boeing for some time.
23 Other than that, I don't. She said she was an
24 engineer. I knew her from church.

25 Q. Do you know if she had any degrees?

1 A. No. I don't know what -- I mean, I
2 think she did, but I don't know what they were.

3 Q. Okay. What about Robert Slupski,
4 Slupski? I could be pronouncing that wrong as
5 well.

6 A. Don't know who that is.

7 Q. Not familiar? Are there any other DGS
8 personnel that you're familiar with?

9 A. There were -- as far as I know there
10 were no other DGS people. There were some
11 subcontractors, but they weren't DGS people.

12 Q. And who were those subcontractors?

13 A. I don't remember their names.

14 Q. Do you recall what they did?

15 A. The one that I can think of did organic
16 cleaning.

17 Q. And where did they do organic cleaning?

18 A. I don't know.

19 Q. For clients of DGS?

20 A. Yes. They had their own clients, of
21 course, but Kumar would -- had put them in contact
22 with paper mills that we were doing business with
23 to clean machine floor and stuff like that.

24 Q. And any other subcontractors like that
25 you can think of?

1 A. There were a couple of other guys at
2 the Memphis meeting, the last Memphis meeting, but
3 I don't know who they are.

4 Q. And was that a meeting with IP?

5 A. Yes.

6 Q. Do you know who DGS's clients were?

7 A. As far as I know, International Paper
8 was the only one.

9 Q. Turning back to your role specifically
10 at DGS, I take it for the first five years or so
11 you were there you were largely self-sufficient; is
12 that right?

13 A. Yes.

14 Q. Then the last three years you had
15 Heather Darnell kind of in an assistant role; is
16 that right?

17 A. Yes.

18 Q. And your responsibilities during that
19 time period were pretty consistent; is that right?

20 A. Increasing as we gained other mills,
21 but yes, which is why I got an assistant later on.

22 Q. And would that be increasing in scope
23 or just magnitude?

24 A. Just magnitude.

25 Q. So doing the same work on a larger

1 scale.

2 A. With more mills.

3 Q. And so would you go to the mills as
4 part of your responsibilities?

5 A. Yes.

6 Q. Could you describe that to me a bit?

7 A. When we got the business at the mill I
8 would go to the mill and do a safety check
9 inspection for where the trucks would be unloading,
10 making sure there was an eyewash station and safety
11 shower, easy access and all of that kind of stuff.

12 I would contact the -- either contact
13 the process control group at that mill or the area
14 supervisor or the production engineer would do it
15 for me to -- because of my background with
16 International Paper, I knew the data systems that
17 were available and had them send me tank level data
18 so that I could monitor the tank levels and
19 schedule the trucks when it was needed.

20 Q. And so it sounds like that was part of
21 the initial reach-out when you would get a new
22 mill. Would you continue to go to the mills after
23 that?

24 A. Not usually, but occasionally.

25 Q. Is there anything in particular that

1 would prompt you to go to a mill --

2 A. A problem.

3 Q. I'm sorry?

4 A. A problem.

5 Q. Could you give me an example of that?

6 A. Not offhand.

7 Q. Maybe if there was an issue with a
8 delivery you would go to the mill; would that be
9 right?

10 A. Mostly with -- an issue with -- well,
11 yeah, I guess that would be -- it wouldn't just be
12 an issue with one delivery, but if there was a
13 systemic problem I'd go to the mill and work out
14 what the problem was.

15 I was in telephone communication with
16 the area manager or the production engineer
17 regularly, but mostly I became invisible to them
18 because I took care of their inventory.

19 If I heard from them, that meant that
20 it was not good news. Or else they were having an
21 annual outage and wanting to let me know that, hey,
22 we're not going to be -- you know, whatever.

23 Q. All right. You mentioned you were
24 familiar with the data that they had available from
25 the mills. Were you also familiar with the

1 hardware?

2 A. Yes.

3 Q. Did that also assist you in your role?

4 A. I was able to talk the paper mill
5 language with the people, so I -- yes.

6 Q. And did that help facilitate the
7 ordering process?

8 A. Not -- not really. I mean, the
9 ordering was based on inventory. So it was more
10 understanding what the product was being used for.
11 I understood that, and so that helped me understand
12 when to order and that kind of stuff.

13 Q. Would you also meet with suppliers in
14 your role?

15 A. Yes.

16 Q. Could you describe that to me?

17 A. That was typically just the initial
18 contact when -- for instance, at one of the mills
19 we worked with Olin to get the bleach. And so I
20 went to their office and talked to about where we
21 could get the product from to deliver to the mill,
22 and there were two different specifications of
23 bleach that were required and two different
24 production facilities that they had to come from
25 and that kind of stuff.

1 Q. And in your role did you help
2 coordinate the logistics of handling the different
3 types of specs and the different delivery points?

4 A. Yes.

5 MR. TOWNSEND: Objection to form.

6 THE WITNESS: Pardon me?

7 BY MR. DALEY:

8 Q. So Nate -- sorry. Nate will object to
9 questions from time to time. You'll still be able
10 to answer. He's putting the objection on the
11 record.

12 A. Oh.

13 Q. So he was objecting to the form of my
14 question because I asked you both -- I think, at
15 least, he was objecting because I asked you about
16 both the specifications and the delivery points, so
17 he was objecting as compound.

18 I could be wrong there, but that was my
19 interpretation, and so he's objecting to that, but
20 you're still free to answer to the extent you
21 understand the question and can answer the
22 question.

23 Okay. And so --

24 A. With specifications, I understood what
25 the specifications were and handled them.

1 Q. Was it common to have different
2 specification requirements?

3 A. No.

4 Q. And so that made that mill's order
5 unique in some way; is that right?

6 A. Yes.

7 Q. Would that be the same for the multiple
8 delivery points?

9 A. I don't understand.

10 Q. Yeah, my apologies, and maybe I
11 misinterpreted.

12 I think you said -- oh, there were two
13 different facilities that you sourced the different
14 specs from; is that right?

15 A. Yes.

16 Q. And was that outside the ordinary as
17 well?

18 A. Yes.

19 Q. And other than Olin, are there other
20 suppliers that you would meet with?

21 A. Yes. And I don't remember their name,
22 but they were headquartered in Houston. Again, I
23 only met -- usually met with them once just for
24 initial setup, and then all the rest was by
25 telephone or email.

1 Q. And would you go to the supplier's
2 headquarters to meet with them?

3 A. Typically.

4 Q. And would they explain to you the
5 different products that they would be selling to
6 IP?

7 A. There weren't really separate -- I
8 mean, different products. It was different
9 production facilities, which one's closest and
10 shipping costs and that kind of stuff.

11 Q. Would you refer to that as logistics?

12 A. Yes.

13 Q. So would -- would you say you would
14 work with them to streamline the logistics to IP?

15 A. Yes.

16 Q. Would that be an ongoing relation -- or
17 I'll rephrase that.

18 Was that a continuing line of
19 communication between you and the supplier
20 throughout the term of the contract?

21 A. Once the -- you know, the source
22 location was determined, that typically was the end
23 of it unless they were having an annual outage and
24 needed to be sourced from another place or
25 something like that, but -- so I'm not sure

1 "ongoing" is an accurate -- but more or less.

2 Q. So once a plan -- once an initial plan
3 was agreed on with a supplier, you would more or
4 less touch base with them if something came up.

5 A. Well, I would put my orders in to them,
6 you know, on an ongoing basis, but as far as
7 changing the source location, that was only if they
8 were having an issue.

9 Q. Anything else you would meet with the
10 suppliers with respect to?

11 A. No.

12 Q. And so you mentioned that you would
13 coordinate orders for the mills; is that right?

14 A. Yes.

15 Q. Could you describe to me what that
16 process looked like?

17 A. I would enter into a spreadsheet the
18 tank level on a daily basis and then project out,
19 based on current usage, when they would need to
20 receive a truck and schedule the truck accordingly.

21 Q. And would there also be times where IP
22 or the mills might reach out for orders other than
23 the ones you just described?

24 A. They were -- maybe it was just
25 Vicksburg; didn't want me to actively manage their

1 inventory. So they would contact me when they
2 wanted a truck, but I would still monitor their
3 tank level and, on occasion, would have to call the
4 operator and say, hey, don't you need a truck? And
5 they would either tell me, no. We're going into an
6 annual outage and we're letting the tank level go
7 down, or yes. Oops.

8 Q. Certainly. Okay. All right. So
9 orders generally was monitoring tank levels at the
10 mills, projecting need, and then placing the orders
11 to meet that need; is that right?

12 A. Correct.

13 Q. Anything else that was a part of that?

14 A. Not that I can think of.

15 Q. And so once you placed the order, I
16 think you said you would also coordinate on the
17 mill deliveries; is that right?

18 A. I don't understand.

19 Q. Would you arrange for the deliveries to
20 the mill?

21 A. Yes.

22 Q. And could you describe to me a bit what
23 that process looked like?

24 A. Well, I would place an order with the
25 supplier with a delivery date and quantity, and

1 they would take care of scheduling the truck and
2 getting it there.

3 Q. And if there were issues with that,
4 would IP reach out to you?

5 A. If there were issues with that the
6 supplier would reach out to me and say, hey, our
7 truck driver broke down or whatever, and we would
8 have to say, okay. Well, they can wait another two
9 days or we need to do something.

10 Q. And what might "doing something" look
11 like?

12 A. Expediting from another location or --
13 it didn't happen much.

14 Q. Okay. And I think you said that as
15 part of your initial mill visit you would make sure
16 there were satisfactory --

17 A. Safety showers and eyewashes.

18 Q. -- delivery points and logistical
19 pieces associated with delivery; is that right?

20 MR. TOWNSEND: Objection to form.

21 BY MR. DALEY:

22 Q. You can answer, Mr. Allen.

23 A. Yes. The -- making sure that the truck
24 would have access to the unloading point, that the
25 procedure for the truck driver unlocking the

1 delivery point. You know, what that was changed
2 from mill to mill. And making sure the safety
3 equipment was available.

4 Q. Is that something that would
5 occasionally change over the life of a contract?

6 A. No.

7 Q. So we've spoken a little bit about
8 monitoring and managing the inventory levels at the
9 mills; is that right?

10 A. Yes.

11 Q. And that's something you did?

12 A. Primarily my job.

13 Q. And you mentioned one way of doing that
14 was -- I'd call it, I guess, a manual process. Is
15 that right?

16 MR. TOWNSEND: Objection to form.

17 THE WITNESS: I don't understand the
18 question.

19 BY MR. DALEY:

20 Q. Yeah. And so I think you mentioned
21 that based on your time at IP you had an
22 understanding of what data was available to the
23 mills; is that right?

24 A. Yes.

25 Q. And that data included what levels of

1 supplies of certain chemicals were available to the
2 mill; is that right?

3 A. Yes.

4 Q. I think you said before that the
5 mill -- some of the mills, at least, would report
6 those levels to you; is that right?

7 A. It was automatic. It was
8 computer-generated with the exception of, I think,
9 one mill where the tank level was not connected to
10 the PI system. That's P-I, which is the mill
11 information -- I don't remember exactly what the
12 definition of that is, but -- so the operator would
13 go out there and take a manual reading and he would
14 enter it into another system which communicated
15 with PI and got me the data.

16 Q. Okay. And the first process you
17 described there, the computer-generated system, is
18 that what you would refer to as remote telemetry?

19 A. Yes.

20 Q. And could you give me your definition
21 of what remote telemetry is?

22 A. There's an instrument on the tank that
23 measures the tank level and it -- that instrument
24 sends the information to the PI and PI would email
25 me what that level was.

1 Q. And you said that was the primary
2 function of your role at DGS; is that right?

3 A. The monitoring tank levels and
4 scheduling deliveries, yes.

5 Q. And so that's something you did
6 throughout your entire time there; is that right?

7 A. Yes.

8 Q. Would you often receive complaints from
9 the mills about the remote monitoring that you were
10 doing?

11 A. No.

12 Q. Were you often able to meet the mills'
13 needs based on the remote telemetry that you were
14 conducting?

15 A. Almost always.

16 Q. Did the mills appreciate that you were
17 able to conduct that remote telemetry?

18 A. Absolutely.

19 Q. Would they tell you that?

20 A. Yes. When I would talk to an area
21 manager he would say, I'm glad that I don't have to
22 talk to you. And that was usually if he forgot to
23 tell me that they were going into an annual outage
24 and I sent a truck, and he would say, oops. I
25 meant to tell you. I forgot you did that.

1 Q. Okay. That makes sense. All right.
2 Would you ever assist the mills with calibration of
3 chemicals based on things like weather, storage or
4 other variables?

5 A. No.

6 Q. Do you know if that's something that
7 DGS did generally?

8 A. No. Yes, I know we didn't do it.

9 Q. Are there instances where mills might
10 encounter special needs like a shortage or another
11 supplier not being able to deliver product where
12 they would reach out to DGS?

13 A. Yes. Rarely. Only a couple of
14 occasions that I can think of, but we weren't --

15 Q. And --

16 (Court reporter asked for clarification
17 due to voice overlap.)

18 THE WITNESS: We were not able to help
19 them either. It was weather-related.

20 BY MR. DALEY:

21 Q. And so the instances where they did
22 reach out, you're not familiar with one where DGS
23 was able to meet the need.

24 A. I don't remember one, no.

25 MR. DALEY: All right. We've been

1 going about an hour now. I need to refill coffee.
2 So maybe we can go off the record, if that sounds
3 good with the videographer.

4 THE VIDEOGRAPHER: Yes, sir. The time
5 on the monitor is 11:10 AM, and we're going off the
6 record.

7 (A recess transpired from 11:10 until
8 11:29.)

9 THE VIDEOGRAPHER: The time on the
10 monitor is 11:29 AM, and we're back on the record.

11 BY MR. DALEY:

12 Q. Okay. Mr. Allen, I'd like to ask you a
13 bit more next about your interactions with IP
14 personnel.

15 Earlier you described your interactions
16 with employees at the mills, and that was generally
17 centered around placing orders, coordinating
18 deliveries and kind of the initial contacts once a
19 contract was in place; is that right?

20 A. Yes.

21 Q. Were there any other communications you
22 would have with the mills on any regularity?

23 A. Not any regularity.

24 Q. Any others that you can think of?

25 A. There was one instance where the mill

1 wanted us to purchase some equipment because their
2 capital budget was -- didn't allow for it and then
3 expense it and we did that. I can't think of
4 anything, offhand, other than that.

5 Q. If you'd give me one second, I think I
6 might have that communication.

7 MR. DALEY: Nate, did you not mark
8 the -- did you not stamp the other exhibit yet? Is
9 that right?

10 MR. TOWNSEND: That's right. Yeah, I
11 only put it in there, and then I stopped.

12 MR. DALEY: Okay. Got you. Okay. So
13 we will -- so I can proceed with this one as
14 Exhibit 1.

15 MR. TOWNSEND: Okay.

16 MR. DALEY: And then whenever -- if you
17 want to put that in again and mark it, I mean, we
18 can ignore whatever's there and only go with the
19 stamped exhibits. That's fine.

20 MR. TOWNSEND: Sounds good.

21 MR. DALEY: Excellent. Okay. Thanks,
22 Nate.

23 (EXHIBIT 1, Email Chain to Mr. Kumar
24 from Mr. Allen dated 3-14-13, marked for
25 identification.)

1 BY MR. DALEY:

2 Q. Mr. Allen, if you go to the file where
3 you did previously see your LinkedIn profile there
4 should now be another document there which has been
5 marked as Exhibit 1. If you could try to open that
6 up. If you can't open it up, let me know so we can
7 figure it out. And if you can, just take a look at
8 it and let me know when you're done.

9 A. I've got it open.

10 Q. Take your time looking it over. No
11 rush.

12 A. I remember this, yes.

13 Q. And so could you identify what this
14 document is?

15 A. That's the communication I had with the
16 area manager about purchasing the skids for their
17 use.

18 Q. And you testified earlier that DGS
19 completed this purchase; is that right?

20 A. To the best of my knowledge, yes.

21 Q. Do you recall any similar instances to
22 this where DGS made any capital purchases?

23 A. There were other times when it was
24 talked about, but I don't remember any that
25 actually happened.

1 Q. Okay. And so other than the purchase
2 of the skids that we looked at here -- and I guess
3 while we have it up, DGS, to the best of your
4 knowledge, purchased the skids from this mill for
5 \$40,000, as reflected in the email; is that right?

6 A. I was not involved in the purchase, so
7 how much it was, I'm not sure, but yeah.

8 Q. Okay. And so is it fair to say that
9 the email thread that's reflected in Exhibit 1 was
10 the extent of your involvement with that purchase?

11 A. Yes.

12 Q. And so other than the communications
13 that are reflected in Exhibit 1 and the types of
14 communications that we discussed earlier, are there
15 any other types of communications that you would
16 have with IP?

17 A. I'm sorry. I was distracted. What?
18 Say that again.

19 Q. Certainly. No, and that's not --
20 that's never a problem. No need to apologize.
21 Like I said before, you know, if I ask a bad
22 question, just let me know; right? It might have
23 been that. You might just be being polite saying
24 you were distracted, but I'm always happy to repeat
25 it either way.

1 And so we had discussed some certain
2 types of communications earlier that were
3 associated with your responsibilities,
4 communications with IP. You recall that; right?

5 A. Yes.

6 Q. And then I had asked if there were any
7 other communications that you had with IP on any
8 regularity, and I believe you said no; is that
9 right?

10 A. Correct.

11 Q. And then I had asked if there were any
12 other types of communications generally, and you
13 had mentioned the communication that's the subject
14 of Exhibit 1; is that right?

15 A. Yes.

16 Q. And so can you think of any other
17 communications either similar to Exhibit 1 or that
18 would otherwise fall within that general category
19 of communications that you had with IP?

20 A. None that came to any substance. There
21 were requests from IP to handle temporary storage
22 or things like that that we were just not able to
23 satisfy.

24 Q. Do you recall if there were discussions
25 at DGS about making attempts to satisfy those

1 requests?

2 A. I handled the request, so it was -- it
3 was not a -- it was not a money thing. It was a
4 logistics thing; that I would contact our suppliers
5 and see what kind of arrangements could be made and
6 if there -- and typically there were no
7 arrangements that could be made, so it was not
8 something that we could handle.

9 Q. And so I think you mentioned that one
10 of those was storage; is that right?

11 A. Yes; temporary storage.

12 Q. Temporary storage. Are there any other
13 similar things you can think of in that vein?

14 A. I would arrange for tote bins to be
15 delivered, which was not our typical way of
16 delivering product. And so -- but that was special
17 requests from the mill that I arranged through our
18 suppliers.

19 Q. And so -- special request for delivery
20 in tote bins --

21 (Court reporter asked for clarification
22 due to feedback.)

23 BY MR. DALEY:

24 Q. And so if the mill made a special
25 request for deliveries to be in tote bins, DGS

1 would do what it could to accommodate that request.

2 A. Yes. And typically we could
3 accommodate that request.

4 Q. So other than temporary storage and
5 tote bins, are there any other types of requests
6 you can think of?

7 A. No.

8 Q. So other than those communications
9 we've discussed, are there any other communications
10 with IP that you would have?

11 A. Not that I can think of.

12 Q. And so --

13 MR. DALEY: Strike that.

14 BY MR. DALEY:

15 Q. Did you ever have meetings with IP?

16 A. Not on a regular basis.

17 Q. But you had some meetings with IP, I
18 take it from that; is that right?

19 A. Yes.

20 Q. Do you recall roughly how many?

21 A. We had two in Memphis with IP Global
22 Sourcing, and I'm sure I met with mill -- well, in
23 the first couple of years I met regularly with the
24 Georgetown mill production engineer every couple of
25 months. And then I can't think of -- I'm sure

1 there was other mills that I visited after the
2 first initial visit, but I can't think of one right
3 now.

4 Q. Okay. And so focusing on the two
5 meetings in Memphis, could you please describe the
6 first one that you recall?

7 A. I really don't remember the meeting. I
8 remember it happened, but I don't remember anything
9 about it.

10 Q. Okay. And what about the second
11 meeting in Memphis?

12 A. That was -- we were trying to justify
13 our existence when Jag was retiring.

14 Q. Okay. And could you describe that in a
15 little more detail?

16 A. We were asked what services we provided
17 and how often we visited mills and things like
18 that. It was not a -- it was -- the atmosphere was
19 adversarial.

20 Q. Do you recall when that meeting was?

21 A. Oh. October, November of 2019, I
22 think. Somewhere in there.

23 Q. And do you recall who was in attendance
24 at that meeting?

25 A. No. I know Jag was there, and there

1 were several other people, but I don't know who
2 they were.

3 Q. You were there; right?

4 A. Yes. And so were -- so was Heather and
5 so were the subcontractors.

6 Q. One of those being a cleaning company,
7 is that right, that we talked about earlier?

8 A. Yes.

9 Q. And was there another one in addition
10 to the cleaning company?

11 A. There were a couple more. I don't
12 remember who they were.

13 Q. I think you said Heather was there.
14 Was Shiv there?

15 A. No. He was on by speakerphone, but he
16 was in South Asia someplace.

17 Q. Anyone else from DGS in attendance?

18 A. Jyotika was also on by speakerphone
19 from a different South Asian place.

20 Q. And Jag -- let me rephrase that. Was
21 Jag the only person from IP that you recognized?

22 A. Yes.

23 Q. Do you recall what you -- and when I
24 say "you" I mean DGS -- told IP that it did for
25 services?

1 A. We attempted to tell what we did but
2 were not allowed much -- much leeway in our
3 answers.

4 Q. Would it be accurate to say you didn't
5 feel it was a receptive audience?

6 A. It was definitely not a receptive
7 audience.

8 Q. Did they explain to you why?

9 A. No.

10 Q. Did you have any follow-up from that
11 meeting?

12 A. You garbled a little bit. Repeat that.

13 Q. My apologies. Did you have any
14 follow-up from that meeting?

15 A. Just when Kumar said the contract had
16 been canceled and to cancel all shipments.

17 Q. Did you have any communications with IP
18 after the contract was terminated?

19 A. I had people contacting me. I
20 contacted all of the mills, saying that the
21 contract had been canceled and that they needed to
22 assume responsibility for inventory and suggested
23 delivery times. And I canceled all of the
24 shipments from our suppliers, had a couple of phone
25 calls as a result of that email. They were quite

1 surprised and disappointed.

2 Q. Did they say why they were
3 disappointed?

4 A. Because we supplied them with good
5 service.

6 Q. And about how long after the contract
7 was terminated did you leave DGS?

8 A. Almost immediately. I think I got one
9 more paycheck, and that was it.

10 MR. DALEY: I'm going to pull up
11 another document here in Exhibit Share. Just give
12 me a sec.

13 (EXHIBIT 2, DGS PowerPoint dated
14 1-23-13, marked for identification.)

15 BY MR. DALEY:

16 Q. Okay, Mr. Allen. There should be
17 another document in Exhibit Share. Same place
18 where the last one was. If you could go in there,
19 try to open that up. Open it up if you can. Let
20 me know if you have any issues. And then if you
21 can open it up, take a look at it and let me know
22 when you're done.

23 A. I don't find it.

24 Q. Maybe if you refresh the page, I think
25 it should be there.

1 A. Okay. It's opening.

2 Q. And so once you get it open, take a
3 second to look at it. Take as long as you need,
4 and just let me know when you're done.

5 A. It says "May take a while."

6 Q. Is it still opening?

7 A. Yes.

8 Q. Okay. Yeah. No. I mean, take your
9 time. Just let us know when it's done and once
10 you've had a chance to look at it.

11 A. Okay. (Perusing.) Okay. I've looked
12 at it.

13 Q. Okay. Do you recognize that document?

14 A. Yes.

15 Q. Could you identify it?

16 A. Yes. That was the first Memphis
17 meeting.

18 Q. And so on that first page there it says
19 January 23, 2013. Does that seem generally right
20 with respect to when the first meeting would have
21 occurred?

22 A. Yes.

23 Q. And you were present at this meeting;
24 is that right?

25 A. Yes.

1 Q. Does reviewing this document refresh
2 your recollection of that meeting?

3 A. Yes.

4 Q. Could you describe that meeting now?

5 A. We had lots of discussion with the
6 technology group people that were present about
7 alternate sourcing and things like that. I really
8 don't remember much else about it.

9 Q. Okay. Was the technology group a group
10 that you would otherwise communicate with at IP
11 outside of this one meeting?

12 A. No.

13 Q. Was this meeting the only time you
14 interacted with that group?

15 A. Yes. Well, while I was at DGS.

16 Q. Thank you. So if you scroll to page 4
17 of the PDF here. Just let me know when you're
18 there.

19 A. Looking for page numbers. One, two,
20 three, four. Okay. Team Composition and
21 Experience? Is that what you're looking at?

22 Q. Correct. And in the future I'll try to
23 identify the header there at the top.

24 So we discussed Shiv.

25 A. Jyotika.

1 Q. Jyotika. Thank you. There's you. And
2 then the next four names here, are those names that
3 you recognize?

4 A. Preston I recognize. He's the cleaning
5 guy. I don't recognize the other guys.

6 Q. And so when you say "the cleaning" --

7 A. They're in South Asia.

8 Q. I apologize. I started to speak. You
9 weren't done. Could you just repeat what you said,
10 and then I'll go back to where I was going, please.

11 A. They worked for Kumar in other -- in a
12 different capacity than our contract with IP.
13 Kumar has -- had other businesses in South Asia,
14 and they worked for him in those businesses.

15 Q. Do you know what those businesses were?

16 A. No. Something to do with oil.

17 Q. And so you said you recognized Preston;
18 is that right?

19 A. Yes.

20 Q. And you said that was the cleaning guy;
21 is that right?

22 A. Yes.

23 Q. And is that the organic cleaner
24 subcontractor we were talking about earlier?

25 A. Yes.

1 Q. So if you scroll down to page 10 which
2 is entitled 2012 Business Segments, and just let me
3 know when you're there.

4 A. Okay.

5 Q. Are you familiar with what's reflected
6 on the screen there?

7 A. Yes.

8 Q. Could you describe it to me?

9 A. Those were the different chemicals that
10 we supplied to -- oops -- to the -- and those were
11 the mills that we were servicing at the time.

12 Q. And were you involved in servicing all
13 of those mills?

14 A. Yes.

15 Q. And generally, your responsibilities
16 with respect to those mills were what we talked
17 about earlier; is that right?

18 A. Yes.

19 Q. Does looking at this list of mills and
20 products remind you of any other responsibilities
21 that you had --

22 A. No.

23 Q. -- for DGS?

24 A. No.

25 Q. And if you scroll down to page 14 it's

1 entitled Green Cleaning Agents.

2 A. Okay.

3 Q. Is that the name of the organic
4 cleaning company that you referenced earlier?

5 A. Yes.

6 Q. And that would be the one that Preston
7 was associated with; is that right?

8 A. Yes.

9 Q. And then if you scroll down to page 17,
10 that's entitled 2013 Activity.

11 A. Okay.

12 Q. Do you see where it says "Rosin size
13 supply and trials at Mansfield and Riegelwood"?

14 A. Yes.

15 Q. Were you involved with that?

16 A. Marginally.

17 Q. Could you describe your involvement
18 with that, please?

19 A. The trials were conducted by the mills
20 with the -- whatever relationship they have with
21 technology. We supplied them with a onetime
22 delivery of the size. Neither one of them panned
23 out, to my memory. Certainly Riegelwood did not.
24 I'm not sure about Mansfield. I don't think so.

25 Q. Did DGS conduct other trials for IP?

1 A. We didn't conduct the trials. We
2 supplied the product for the trials.

3 Q. And so the supplier conducted the
4 trial; is that right?

5 A. No. International Paper did.

6 Q. So IP would run the trial, and DGS
7 would arrange for the product needed --

8 A. Correct.

9 Q. -- to run the trial.

10 A. Correct.

11 Q. Do you recall other trials that DGS
12 provided product for to IP during your time there?

13 A. Not that I was involved in, at least.

14 Q. On that next item down there that says
15 "Develop polymer island concepts," are you familiar
16 with that?

17 A. I was not involved.

18 Q. And the last one that says "Supply ASA
19 to Riverdale and Courtland," were you involved with
20 that?

21 A. No.

22 Q. That's all I have for that one. You
23 can put that down. I'm going to put another
24 document in there, Mr. Allen. That will be Exhibit
25 3.

1 (EXHIBIT 3, Email to Mr. Hamilton from
2 Mr. Allen dated 9-5-18, marked for identification.)

3 BY MR. DALEY:

4 Q. It should be there now. If you could
5 do the same thing. Go in there, pull it up, let me
6 know if you have any issues and let me know once
7 you've had a chance to look at it.

8 A. Okay.

9 Q. Do you recognize that document?

10 A. Yes.

11 Q. Could you identify it for us?

12 A. There was an incident. Harcros was a
13 supplier for -- this is the mill that I told you
14 there were two different specs for the hypo that
15 was delivered there, and Harcros was the supplier
16 for the paper mill part, and we supplied for --
17 let's see here. I guess I have it backwards. We
18 supplied for the paper mill, and they supplied for
19 the water plant.

20 The details I don't remember, but there
21 was an issue with one of the -- one of the specs,
22 and I don't remember what it was, that interacted
23 with the -- the product that Nalco -- is that
24 right? Is that Nalco? Yeah. That they managed
25 their wastewater treatment and one of their

1 products interacted with something in the hypo and
2 it could have been bad and that's all I remember
3 about it. It's -- the details are sketchy to my
4 memory. But as long as they knew about it it was
5 okay, but -- but they -- so I let them know about
6 it.

7 Q. And so this email is you reaching out
8 to the mill to let them know about it.

9 A. Correct.

10 Q. And that was consistent with your
11 duties while you were at DGS; is that right?

12 A. Well, the typical -- it wasn't my
13 typical responsibility, but I noticed that my tank
14 level -- let me try to remember the details. Okay.
15 Yeah.

16 Okay. Nalco was treating the water
17 going into the paper mill, and I noticed an
18 inventory increase when I had not scheduled a
19 delivery and did some investigation through the
20 mill or with the mill and then I let them know
21 about this.

22 So it was an unusual situation, but I
23 knew that there was a reason that we had special
24 specs for the paper mill. And when a delivery got
25 there that was not ours, I needed to let them know.

1 Q. And so you were able to -- misdelivery
2 based on the inventory monitoring that you were
3 conducting; is that right?

4 A. Yes.

5 (Court reporter asked for clarification
6 due to feedback.)

7 BY MR. DALEY:

8 Q. And so you were able to identify this
9 misdelivery based on your inventory monitoring; is
10 that correct?

11 A. Yes.

12 Q. Do you recall if you got any follow-up
13 from the mill on this?

14 A. Yes. They notified Nalco and I was in
15 communication with Nalco also and they were able to
16 handle it.

17 Q. And do you know what mill that was?

18 A. I don't remember.

19 Q. I'm going to put another document in
20 the chat here. Give me one second. I'll let you
21 know when it's there, and then I'll ask you to do
22 the same thing we've done previously, which is try
23 to open it up, take a look and let me know if you
24 have any issues. And if you don't have any issues,
25 let me know when you're done reviewing. And that

1 should be there now, and I believe that's marked as
2 Exhibit 4.

3 (EXHIBIT 4, Email to TF Rice from
4 Mr. Allen dated 2-19-13, marked for
5 identification.)

6 THE WITNESS: Okay.

7 BY MR. DALEY:

8 Q. Do you recognize that document?

9 A. Yes.

10 Q. Do you recall what this email relates
11 to?

12 A. Let me see. I don't remember what mill
13 it was. I remember the -- I remember doing it. I
14 don't remember what the issue was.

15 Q. And so if we read the email it says:

16 In order to make sure that all of the
17 issues with loads to IP are resolved, I will be
18 making a visit to your McIntosh plant on Wednesday
19 while you are there, and then revisiting the
20 Riverdale and Courtland mills to reassure them that
21 they have been resolved. I look forward to meeting
22 with you and your customer service team.

23 Did I read that right?

24 A. Yes.

25 Q. And so would I be accurate to say that

1 based on this email you were planning to visit the
2 McIntosh, Riverdale, and Courtland mills to address
3 certain issues that had come up with respect to
4 DGS's services to IP?

5 MR. TOWNSEND: Objection to form.

6 THE WITNESS: McIntosh was the Olin
7 facility, and Riverdale and Courtland were IP
8 mills. I don't remember what the -- what the issue
9 was or how it was resolved.

10 BY MR. DALEY:

11 Q. And so here you were visiting -- you
12 were planning to visit a supplier --

13 A. Correct.

14 Q. -- to resolve an issue as it relates to
15 the McIntosh plant; is that right?

16 A. As it -- as it relates to Riverdale and
17 Courtland mills.

18 Q. And so you were going to visit the Olin
19 McIntosh plant in relation to the product being
20 supplied to IP's Riverdale and Courtland mills; is
21 that right?

22 A. Correct.

23 Q. And you don't recall what the specific
24 issue was; is that right?

25 A. I do not recall.

1 Q. Do you recall if the issue was
2 resolved?

3 A. I remember that as a result, I think
4 Harcros got the water treatment or whatever they
5 were supplying back at wherever that was, but I
6 think that's what this is about, but I don't
7 remember anything else having an -- being an --
8 about the issue. I just don't remember.

9 MR. DALEY: Okay. I am going to place
10 another exhibit in the chat. We'll do the same
11 thing. This will be Exhibit 5. Not there yet.
12 Just moving a stamp here. Okay. I'm going to
13 introduce that. That should be in the chat.

14 (EXHIBIT 5, Email Chain to Mr. Phillips
15 from Mr. Allen dated 7-6-18, marked for
16 identification.)

17 BY MR. DALEY:

18 Q. And so if you can pull that up and let
19 me know if you can access it. And if you can
20 access it, take a look at it and let me know when
21 you're done.

22 A. Okay.

23 Q. And do you recognize that document?

24 A. Sort of.

25 Q. Could you identify it?

1 A. There were two different locations at
2 the Texarkana facility where we delivered bleach,
3 and it was about a low -- low inventory level or
4 something like that that I was letting Sonny know
5 that I was trying to handle. I don't remember much
6 else about it. Texarkana -- that happened at
7 Texarkana more frequently than I like to think.

8 Q. And you say here that you had to switch
9 loads to get a truck out today. Do you know what
10 you meant by "switch loads"?

11 A. Switch the delivery point from the LoD
12 to the -- or from the cooling tower to the LoD. I
13 think that's what it was about. I -- again, I
14 don't remember.

15 Q. And are the LoD and the cooling tower
16 two different delivery points at that mill?

17 A. Yes.

18 Q. And so to the best of your
19 recollection, when you say "switch loads," it would
20 have meant taking a load from the cooling tower and
21 sending it to the LoD? Does that sound right?

22 A. Sounds right.

23 Q. Okay. And that would be to account for
24 low inventory at the LoD; is that right?

25 A. Yes. And/or the cooling tower.

1 Q. And that would have been consistent
2 with your inventory monitoring; is that right?

3 A. Correct.

4 Q. And so you also would have arranged for
5 the delivery to be moved; is that right?

6 A. Yes.

7 Q. All right. I am going to put another
8 document in the chat. This one -- okay. Yeah.
9 This will be Exhibit 6.

10 (EXHIBIT 6, DGS Purchase Order to
11 Plasmine Technology dated 1-5-12, marked for
12 identification.)

13 BY MR. DALEY:

14 Q. All right. And so the same thing we've
15 done, Mr. Allen. If you're still in that window,
16 if you refresh it there'll be another document
17 there. I would just ask that you try to open it
18 up. Let me know if you have an issue. If you
19 don't have an issue, take a look at it and let me
20 know when you're done.

21 A. Okay. It opened. (Perusing.) Okay.

22 Q. And do you recognize that document?

23 A. That's not a document that I typically
24 saw, but I'm sure I did.

25 Q. Who would prepare that document,

1 typically?

2 A. Jyotika.

3 Q. And so you would give her the
4 information -- I'm sorry.

5 How would that document come about
6 being made?

7 A. When -- whenever we picked up a mill --
8 in this case, the Springfield, Oregon mill -- this
9 purchase order would be generated and I'd get a
10 copy. I was not -- I was not the -- what do I want
11 to say? The -- I was just copied for information
12 purposes.

13 Q. You didn't draft the document.

14 A. No.

15 Q. Would it be based on information that
16 you supplied?

17 A. No. This is at the beginning of a
18 contract so that I have the purchase order number.

19 Q. And so would the purchase order number
20 come from IP?

21 A. Yes.

22 Q. And then you would provide -- and when
23 I say "you" I mean DGS would provide the purchase
24 order to the supplier; is that right?

25 A. Correct.

1 Q. But you weren't involved in that
2 process.

3 A. No.

4 MR. DALEY: Nate, I take it you are
5 going to have some questions today. Maybe if we
6 could go off the record quick right now and talk
7 about the plan going forward. Does that make
8 sense?

9 MR. TOWNSEND: Sure.

10 THE VIDEOGRAPHER: The time on the
11 monitor is 12:19 PM, and we're going off the
12 record.

13 (A recess transpired from 12:19 until
14 1:01.)

15 (EXHIBIT 7, Email Chain to Mr. Bertoldo
16 from Mr. Allen dated 7-13-17, marked for
17 identification.)

18 THE VIDEOGRAPHER: The time on the
19 monitor is 1:01 PM, and we're back on the record.

20 BY MR. DALEY:

21 Q. Okay, Mr. Allen. I fear that you're
22 probably growing very bored of this process, but if
23 you could go to our Exhibit Share website there,
24 refresh that. There should be a document there
25 that's marked Exhibit 7. And if you could do what

1 we've been doing. Just pull that up. I'm going to
2 assume at this point you won't have any issues. So
3 just -- if you have an issue, of course, let me
4 know.

5 A. Okay.

6 Q. But take a look at it and let me know
7 when you're done.

8 A. (Perusing.) Okay.

9 Q. Okay. Do you recognize that document?

10 A. Yes.

11 Q. Okay. Do you recall the scenario being
12 discussed in that document?

13 A. I do. I don't remember which mill it
14 is, but yes, I do.

15 Q. Okay. And would addressing safety
16 concerns like this be something that was a part of
17 your duties when you were at DGS?

18 A. Yes.

19 MR. TOWNSEND: Objection to form.

20 BY MR. DALEY:

21 Q. I'm sorry. If you could just restate
22 the answer --

23 A. Yes.

24 Q. -- Mr. Allen.

25 A. Yes.

1 Q. And so in addition to this email, do
2 you recall other times where you raised safety
3 concerns with IP generally?

4 A. I don't remember any specific time, no.

5 Q. Okay. And so you don't remember any
6 specific times, but it's something that you would
7 generally do; is that right?

8 A. Yes.

9 MR. TOWNSEND: Objection to form.

10 BY MR. DALEY:

11 Q. And if you could just restate your
12 answer, Mr. Allen.

13 A. Yes.

14 Q. Thank you. I'm going to pull up
15 another document in the chat here, Mr. Allen, and I
16 know you're very familiar with the process. So
17 this will be marked as Exhibit 8.

18 (EXHIBIT 8, Email Chain to Mr. Allen
19 from Mr. Jagannath dated 7-10-13, marked for
20 identification.)

21 BY MR. DALEY:

22 Q. And that should be there now. If you
23 could pull that up, take a look at it. It's a
24 one-page email, and let me know when you're done.

25 A. Okay. It loaded. Let's see here.

1 (Perusing.) Okay. I've read it.

2 Q. Do you recognize it?

3 A. I do not. I mean, I recognize the --
4 that it is in my email string, but I don't remember
5 the incident.

6 Q. And so middle of that top email from
7 Jag there, do you see where it says "am OK
8 discontinuing the daily call to the mill"?

9 A. Yes.

10 Q. You don't recall that?

11 A. Vaguely, but no details.

12 Q. Was it out of the ordinary for you to
13 have a daily call with the mill?

14 A. Yes.

15 Q. And so on the first line there where it
16 says:

17 DGS kept the mill in hypo over the long
18 holiday weekend. If you are comfortable that
19 things are stabilized and the systems are set up to
20 move smoothly, am OK discontinuing the daily call
21 to the mill.

22 A. Apparently there was a delivery issue.
23 I do not remember any of the details.

24 Q. But based on this email, it says that
25 DGS was able to keep the mill in hypo over the long

1 holiday weekend; is that right?

2 A. Correct.

3 Q. And so this is a communication with
4 Jag. Did you communicate with Jag frequently?

5 A. No. If I communicated with Jag, it
6 was -- there was an issue, and that was not a good
7 thing.

8 Q. So generally you would only communicate
9 with Jag if there were issues.

10 A. Correct.

11 MR. DALEY: Okay. I'm putting another
12 document in the chat. This will be Exhibit 9.

13 (EXHIBIT 9, Email to Mr. Reed from
14 Mr. Allen dated 6-8-17, marked for identification.)
15 BY MR. DALEY:

16 Q. It's a very short email. If you could
17 pull that up, Mr. Allen, and let me know when
18 you're done.

19 A. (Perusing.) Okay.

20 Q. Okay. And the email says:

21 I have requested a load for Riverdale
22 by Monday, but Hazel says that she is not able to
23 find a driver available until Thursday. Do you
24 have any resources that you have access to, to find
25 a driver?

1 Did I read that correctly?

2 A. Yes.

3 Q. And this email is from you?

4 A. Yes.

5 Q. And would this be an example of you
6 helping to coordinate deliveries to the mills?

7 A. Yes.

8 Q. All right. I'm going to put another
9 document in the chat. This one -- well, I'm sorry.
10 I'm going to put a document in Exhibit Share. This
11 one will be marked as Exhibit 10.

12 (EXHIBIT 10, Email chain to Mr. Allen
13 from Mr. Klobucar dated 11-25-15, marked for
14 identification.)

15 BY MR. DALEY:

16 Q. And that should be there now,
17 Mr. Allen. If you could try to access that, open
18 it up, take a look. It's a two-page email, and let
19 me know once you're done.

20 A. (Perusing.) Okay.

21 Q. Do you recognize that document?

22 A. I -- basically.

23 Q. And earlier today we discussed DGS
24 meeting IP mills' need for totes with respect to
25 certain chemicals. Do you recall that?

1 A. Yes.

2 Q. And would this email thread be an
3 example of DGS meeting a need for totes at a mill?

4 A. Yes.

5 Q. And about halfway down the first page
6 here the email says:

7 Mark, Do you have he [sic] ability to
8 get size totes? If so, what lead time are we
9 looking at? We need 10 here ASAP due to one of our
10 pumps going out, exclamation mark.

11 Did I read that right?

12 A. Yes.

13 Q. And so would this be an example of IP
14 reaching out to DGS in a situation where they had
15 critical need for chemicals?

16 A. Yes.

17 Q. And based on your response above that,
18 was DGS able to meet that critical need?

19 A. Yes.

20 Q. Okay. I'm getting close to the end of
21 my list here, I promise. About -- I have three or
22 four more documents, and then I will be done. With
23 that said, I will introduce the next one into
24 Exhibit Share. I believe this will be Exhibit 11.

25 A. You certainly read a lot of emails.

1 Q. More than you would likely care to
2 know, Mr. Allen.

3 (EXHIBIT 11, Email Chain to Mr. Allen
4 from Mr. Bertoldo dated 5-8-17, marked for
5 identification.)

6 BY MR. DALEY:

7 Q. And so that one should be there now.
8 If you could open that up, let me know when you're
9 done, and that would be great.

10 A. Okay. (Perusing.) Okay.

11 Q. And so the first -- do you recognize
12 this document?

13 A. More or less.

14 Q. Could you identify it?

15 A. I don't remember what mill this is.
16 What do you want me to do to identify it? I don't
17 understand.

18 Q. Okay. And so is this an email thread
19 relating to an order of hypo at an IP mill?

20 A. Yes.

21 Q. And so the first full email on the
22 second page there, it says:

23 I have noticed that the level in the
24 hypo tank at the GAC has been slowly going down.
25 That hypo is very old, and has lost its strength.

1 Are y'all using hypo from the GAC now? Should I
2 schedule a load, or at least part of a load, to be
3 delivered there soon?

4 Did I read that right?

5 A. Yes.

6 Q. Was that an email from you to the mill?

7 A. Yes.

8 Q. And so earlier today we spoke about a
9 large component of your job being monitoring the
10 level of chemicals at the mill. Do you recall
11 that?

12 A. Yes.

13 MR. TOWNSEND: Objection to the form.

14 BY MR. DALEY:

15 Q. If you could restate your answer,
16 Mr. Allen, please.

17 A. Yes.

18 Q. And would this be an example of you
19 monitoring those inventory levels at the mill?

20 A. Yes.

21 Q. And is it also an example of you
22 reaching out to the mill in the first instance to
23 see if they would like a delivery of hypo?

24 A. Yes.

25 Q. And that was based on your monitoring

1 of the inventory levels; is that right?

2 A. Correct.

3 Q. And so if we scroll up to the bottom of
4 the first page, it says:

5 We are trying our best to get you a
6 load there ASAP, but this time of year we need 2 to
7 3 day lead time to schedule a delivery.

8 Do you see that?

9 A. I saw it. I mean, I can't find it
10 right this second. Yes, I found it. Yes.

11 Q. Did I read that accurately?

12 A. Yes.

13 Q. And that's an email from you to the
14 mill again?

15 A. Yes.

16 Q. And then the second email on the top of
17 that page, it says:

18 We moved some things around and will
19 have a truck headed your way within the hour. It
20 should arrive around 3 PM.

21 Did I read that right?

22 A. Yes.

23 Q. And would that be an example of DGS
24 meeting an instance of critical need from the IP
25 mills?

1 MR. TOWNSEND: Objection to form.

2 THE WITNESS: Yes.

3 MR. DALEY: All right. I'm going to
4 put another document into the chat. If you give me
5 one sec, Mr. Allen, I'll let you know when it's
6 there and I'll ask you to open it up, take a look
7 and let me know once you're done. It will be a
8 one-page email, and it will be marked as Exhibit
9 12.

10 (EXHIBIT 12, Email Chain to Ms. Edwards
11 from Mr. Allen dated 6-3-14, marked for
12 identification.)

13 THE WITNESS: Okay. (Perusing.) Okay.

14 BY MR. DALEY:

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. Could you identify it?

18 A. The Orange mill reached out to me about
19 contingency plans, and I answered her question.

20 Q. And those contingency plans related to
21 hurricane season; is that right?

22 A. Yes.

23 Q. And is that something that you would do
24 in your capacity at DGS?

25 A. Yes.

1 Q. Do you recall instances other than this
2 where you helped mills with contingency planning?

3 A. Not offhand.

4 Q. While you don't remember any specific
5 instances, do you recall generally providing that
6 type of support to IP mills?

7 A. Yes.

8 MR. DALEY: I have two more documents
9 that I'm going to introduce, the first one of which
10 will be Exhibit 13. It's going to be a two-page
11 email thread.

12 (EXHIBIT 13, Email Chain Ms. Sanders
13 from Mr. Allen dated 12-16-15, marked for
14 identification.)

15 BY MR. DALEY:

16 Q. Mr. Allen, I suspect you know what I'm
17 going to ask you to do, but if you could please
18 head over to Exhibit Share, open that up, take a
19 look and please let me know when you're done.

20 A. This one isn't labeled. Hmm. Is this
21 to Cindy Phillips?

22 Q. No. This one should say Exhibit 13.
23 The numbers at the top, it should say DGS with an
24 underscore, a series of zeros, and the last four
25 digits will be 2351.

1 A. Oh, okay. All right. (Perusing.)

2 Okay.

3 Q. Okay. Do you recognize that email?

4 A. Yes.

5 Q. Could you please identify it?

6 A. There was an incident at the Orange
7 mill with a driver. I do not remember any of the
8 details, but that's -- this is the email thread
9 about that incident.

10 Q. And if there were issues with the
11 drivers at the mills, was it common for IP to reach
12 out to you like this?

13 A. Yes.

14 Q. And again, this is something that you
15 would have done in your capacity at DGS.

16 A. Yes.

17 MR. DALEY: I'm going to introduce
18 another exhibit which I will represent is an
19 attachment to that email that we were just looking
20 at, and you can ignore the one that I just
21 introduced. I forgot to mark it, so I'm going to
22 reintroduce that again. This will be Exhibit 14, I
23 believe. I'm sorry. Exhibit -- no. Yeah. Okay.
24 Well, Exhibit 15 with a sticker. So if you could
25 pull up Exhibit 15 with the sticker, Mr. Allen.

1 Just let me know when you have that up. I believe
2 it's a two-page document.

3 (EXHIBIT 15, Investigation Form dated
4 11-18-15, marked for identification.)

5 THE WITNESS: Okay. Investigation
6 form? Is that --

7 BY MR. DALEY:

8 Q. That's correct. Yeah. If you could
9 just take a look at that, let me know when you're
10 done and I will just have a few questions, and that
11 will be it for me today, in all likelihood.

12 A. (Perusing.) Okay.

13 Q. Do you recognize that?

14 A. Yes.

15 Q. Could you please identify it?

16 A. This is the answer from DXI, the
17 supplier, from their investigation of that
18 incident.

19 Q. And is the report addressed to you?

20 A. Yes.

21 Q. And so is it right that after IP
22 reached out to you, you reached out to the supplier
23 to get a resolution with respect to the issue?

24 A. Yes.

25 Q. And is this something that you would

1 typically do if IP reached out to you about a
2 problem with a delivery?

3 A. Yes.

4 Q. And this is something you did in your
5 capacity at DGS.

6 A. Yes.

7 MR. DALEY: All right. That's all I
8 have for right now. Thank you very much,
9 Mr. Allen. Nate, I'll turn it over to you.

10 MR. TOWNSEND: Thank you, Max.

11 EXAMINATION

12 BY MR. TOWNSEND:

13 Q. Mr. Allen, we met at the beginning. My
14 name is Nathan Townsend. I represent International
15 Paper Company in this matter. I'd remind you that
16 you are still under oath. The rules that Max laid
17 down at the beginning also apply to my questions.
18 So if you would keep those in mind as we go about
19 this time, I would appreciate that.

20 My first question for you, Mr. Allen:
21 How much money on a monthly basis did you make
22 while working for DGS when you first began working
23 for DGS?

24 A. When I first began there, I believed it
25 was \$1,500 a month.

1 Q. So it was less than 25,000 a year; is
2 that right?

3 A. Yeah. It was like 18,000.

4 Q. And when you finished working at DGS in
5 2019, how much were you making a month?

6 A. 2,500? I don't remember exactly. I
7 think it was about 2,500.

8 Q. Okay. And that comes out to 30,000.

9 A. Yes.

10 Q. Is that right?

11 A. Might have been a little more than
12 that, but not much. Less than 35.

13 Q. Was your salary ever higher than
14 \$30,000 while you were working at DGS?

15 A. No.

16 Q. Did you receive any retirement benefits
17 from DGS while you were working there?

18 A. No.

19 Q. Did you receive any health insurance
20 benefits while you were working for DGS?

21 A. No. I was an independent contractor.

22 Q. Was Heather Darnell an independent
23 contractor?

24 A. Yes.

25 Q. Was Jyotika an independent contractor?

1 A. I do not know.

2 Q. When was the first time you met Jag?

3 A. That first Memphis meeting, I believe.

4 Q. And when you say "the first Memphis
5 meeting," that refers to --

6 A. 2013, according to that other document.

7 Q. Had you ever met Jag when you were
8 working for Arizona Chemical?

9 A. No.

10 Q. Or when you were working for
11 International Paper?

12 A. No.

13 Q. I'm going to discuss with you your work
14 with inventory management. What chemicals exactly
15 did you manage for International Paper?

16 A. Wet strength for Georgetown. The
17 chemicals that were listed in that -- that
18 PowerPoint document for the 2013 meeting. It was
19 sodium bisulfite and size and hypo.

20 Q. Was it any other chemicals?

21 A. Say again?

22 Q. Was it any other chemicals?

23 A. Not that I had anything to do with.

24 Q. Did DGS sell other chemicals to
25 International Paper?

1 A. I think so, but I was not involved.

2 Q. Earlier you testified that part of your
3 role was to place orders with different suppliers
4 for International Paper's chemicals; is that
5 correct?

6 A. Yes.

7 Q. Which chemicals did you place orders
8 for?

9 A. Just those four.

10 Q. The four from the 2013 PowerPoint?

11 A. Yes.

12 Q. How would International Paper receive
13 its other chemicals that were sold by DGS?

14 A. I do not know.

15 MR. TOWNSEND: All right, Mr. Allen.
16 I'm going to attempt to use Exhibit Share. If you
17 would bear with me while I try this out. I'm going
18 to use a different color so that you can recognize
19 that my exhibits are coming from International
20 Paper, and I'm going to list this as Exhibit 16.

21 (EXHIBIT 16, Email Chain to Ms. Balsara
22 from Mr. Allen dated 5-23-16, marked for
23 identification.)

24 BY MR. TOWNSEND:

25 Q. Okay. Mr. Allen, if you can refresh

1 and if you can spot Exhibit 16 and pull it up for
2 me.

3 A. Okay.

4 Q. And take as much time as you need to
5 review this document, please.

6 A. (Perusing.) Okay.

7 Q. I think you testified earlier that you
8 only met Shiv in person on two occasions; is that
9 correct?

10 A. To the best of my knowledge, yes.

11 Q. Where did Shiv work from?

12 A. California.

13 Q. Did he work from Burlingame,
14 California?

15 A. Yes.

16 Q. Where did Jyotika work from?

17 A. The same city.

18 Q. And you worked from home; right?

19 A. Yes.

20 Q. Did Heather Darnell work from home?

21 A. Yes.

22 Q. And did Jyotika work from home?

23 A. I think so.

24 Q. Did Shiv work from home?

25 A. I have no idea. He was all over the

1 world.

2 Q. This document down below dated -- the
3 first date is May 23rd, 2016, and it's coming from
4 you; is that right?

5 A. Well, this says that it was from
6 Jyotika to Kumar. So it's not from me. Oh, let's
7 see here. Apparently she forwarded him an email
8 from me. So okay.

9 Q. Do you remember writing up that email
10 from May 23rd, 2016?

11 A. Not specifically, but I did this on
12 several occasions. So yes.

13 Q. And what are you trying to convey to
14 Shiv in this email?

15 A. What chemicals and what mills that I'm
16 servicing.

17 Q. On the right-hand column where it says
18 "Mill/Monitor," do you see that?

19 A. Yes.

20 Q. Is that -- are you telling Shiv which
21 places you monitor inventory and which places are
22 monitored by the mill?

23 A. Yes.

24 Q. So, for example, at the Georgetown,
25 South Carolina mill for wet strength, the mill was

1 monitoring wet strength as of that date; right?

2 A. Well, let me clarify. I monitored most
3 of these mills; not all of them. But the -- this
4 is indicating where the order request comes from.

5 So, for instance, Franklin, Tennessee,
6 I managed their inventory. Whereas with
7 Georgetown, since it was an intermittent product
8 use, I had to wait for the mill to tell me when
9 they were going to be making a run so that I could
10 schedule the order.

11 Likewise, with Mansfield and Orange,
12 did not have the capabilities set up at this point
13 for me to monitor the tank levels, and so they had
14 to tell me when they needed it.

15 Q. Okay. So when it says "Mill," someone
16 at the mill would tell you when they needed the
17 chemical; is that right?

18 A. Correct.

19 Q. So it looks like there were six mills
20 where you were placing orders based on monitoring
21 inventory; is that right?

22 A. Yes.

23 Q. And there were eight instances where
24 the mill was placing the order with you and you --
25 instead of you placing the order based on

1 monitoring; is that correct?

2 A. So it appears.

3 Q. Were there any other mills where you
4 monitored inventory and placed orders based on that
5 monitoring that you did not list on this email?

6 A. No.

7 Q. Thank you, Mr. Allen. You can log out
8 of that one.

9 Did DGS own any factories?

10 A. No.

11 Q. Did DGS own any warehouses?

12 A. No.

13 Q. Did DGS own any buildings of any kind?

14 A. No.

15 Q. Did they lease any buildings of any
16 kind?

17 A. There was a leased office in Memphis,
18 but to my knowledge, that's the only leased space
19 that they had.

20 Q. Did you ever go to that leased office?

21 A. No.

22 Q. Would mail be sent to that leased
23 office?

24 A. I have no idea.

25 Q. If Shiv and Jyotika were in California

1 and you and Ms. Darnell were in South Carolina, who
2 was visiting the office in Memphis?

3 A. When he was in Memphis, Shiv would be
4 at that office.

5 Q. Did DGS lease any vehicles?

6 A. No.

7 Q. Did DGS own any vehicles?

8 A. No. Well, let me back up. Not to my
9 knowledge on both of those.

10 Q. Did DGS own any patents?

11 A. Own any what?

12 Q. Patents. P-A-T-E-N-T.

13 A. I do not know.

14 Q. Did you ever see any DGS patents?

15 A. No.

16 Q. Did DGS lease any patents that you know
17 of?

18 A. No.

19 Q. Where did DGS --

20 MR. TOWNSEND: Strike that.

21 BY MR. TOWNSEND:

22 Q. Did DGS obtain any of its chemicals
23 that it sold to International Paper from outside
24 the United States?

25 A. No.

1 Q. So it was all domestic suppliers?

2 A. Yes.

3 Q. Did DGS pay anyone to work for it
4 besides yourself, Ms. Darnell, and Jyotika?

5 MR. DALEY: Objection.

6 THE WITNESS: I have no idea.

7 BY MR. TOWNSEND:

8 Q. Did DGS employ any scientists?

9 A. I do not know.

10 Q. Do you know when DGS was formed?

11 A. No.

12 Q. Were you required to undergo any sort
13 of safety training when you were hired by DGS?

14 A. To enter the mills I was -- I went
15 through the mill safety training.

16 Q. And that mill safety training was
17 conducted by International Paper personnel?

18 A. Yes. Well, or contractors or somebody,
19 yeah.

20 Q. It wasn't conducted by anyone from DGS;
21 right?

22 A. That's correct.

23 Q. Did you perform any safety training for
24 anyone who worked for DGS?

25 A. No.

1 Q. Did Heather Darnell ever receive safety
2 training from anyone at DGS?

3 A. No.

4 Q. Did Jyotika ever receive training,
5 safety training from anyone at DGS?

6 A. I do not know what she was trained on.

7 Q. Did Jyotika ever visit any of the
8 mills?

9 A. The Georgetown mill, but that's the
10 only one that I know of.

11 Q. Did Heather Darnell ever visit any
12 mills?

13 A. Yes. I don't remember which ones.

14 Q. Do you remember approximately what year
15 that may have been?

16 A. No.

17 Q. What did Shiv do for International
18 Paper?

19 MR. DALEY: Objection.

20 THE WITNESS: I do not know. He -- he
21 was the owner of DGS.

22 BY MR. TOWNSEND:

23 Q. Did Shiv ever visit any mills?

24 A. He visited Georgetown. I don't know of
25 any others.

1 Q. And when you say "visited Georgetown,"
2 that was when you were interviewed --

3 A. Yes.

4 Q. -- to work for DGS? Okay.

5 A. He had a meeting with International
6 Paper personnel, and after that meeting he
7 interviewed me.

8 Q. Do you remember who he would have met
9 at -- from International Paper that day?

10 A. I have no idea.

11 MR. TOWNSEND: Everyone, bear with me.
12 I'm getting another exhibit up.

13 MR. DALEY: It gets easier, Nate.

14 MR. TOWNSEND: Okay. I'm introducing
15 Exhibit 17. It's going to take a second, so just
16 hold on. Okay. That should be up now for everyone
17 to review.

18 (EXHIBIT 17, DGS PowerPoint
19 Presentation to International Paper dated 8-27-15,
20 marked for identification.)

21 BY MR. TOWNSEND:

22 Q. Mr. Allen, I'm just going to warn you,
23 this is a big exhibit. You take as much time as
24 you need, but I'll tell you now I'm not going to go
25 over every single one of the slides on this deck

1 and I'm happy to direct your attention to where I
2 want to focus, but you review as much of it as you
3 want and let me know when you're done.

4 A. It says Exhibit 17 through 33?

5 Q. Should have --

6 MR. DALEY: Nate, if I might, the title
7 just says Exhibit 17 to Exhibit 33, but it's marked
8 Exhibit 17, if that's helpful.

9 MR. TOWNSEND: Thanks, Max. Yes, it's
10 marked 17 down in the bottom right-hand corner.

11 THE WITNESS: It's loading still. So
12 I -- all I saw was the title. Okay. (Perusing.)
13 Okay.

14 BY MR. TOWNSEND:

15 Q. Mr. Allen, do you recognize this
16 document?

17 A. No.

18 Q. Okay. To the best of your ability, can
19 you tell me what this is?

20 A. It appears to be a presentation about
21 defoaming.

22 Q. Is it coming from DGS?

23 A. Apparently.

24 Q. Can you scroll down to page 4, please?

25 A. And it's titled?

1 Q. It's titled About DGS --

2 A. Okay.

3 Q. -- Nanjing.

4 A. Okay.

5 Q. Mr. Allen, did DGS have a facility in
6 Nanjing?

7 A. No idea.

8 Q. Do you recognize that building in the
9 picture?

10 A. I have nothing to do with defoamer.

11 Q. Do you know who at DGS had something to
12 do with defoamer?

13 A. No.

14 Q. It says at the top left:

15 Focused on research, development,
16 sales, and production of antifoam and defoamer.

17 Do you know -- did I read that right,
18 Mr. Allen?

19 A. You can read.

20 Q. Do you know who at DGS performed
21 research on defoamer?

22 MR. DALEY: Objection.

23 THE WITNESS: I have no knowledge of
24 anything to do with defoamer.

25 BY MR. TOWNSEND:

1 Q. Thanks, Mr. Allen. I understand that
2 you don't have any knowledge, but that wasn't
3 actually my question.

4 My question was: Do you know of anyone
5 at DGS who performed research on defoamer?

6 MR. DALEY: Objection.

7 THE WITNESS: I have no knowledge of
8 anything that DGS had to do with defoamer.

9 BY MR. TOWNSEND:

10 Q. Do you know who at DGS performed
11 research on antifoam?

12 A. I have no knowledge of anything to do
13 with that.

14 Q. So you never heard of anyone at DGS who
15 performed research on antifoam?

16 MR. DALEY: Objection.

17 THE WITNESS: No.

18 BY MR. TOWNSEND:

19 Q. The next section says:

20 Cooperates with Nanjing University and
21 Nanjing Forest University for antifoam research
22 products.

23 Did I read that correctly as well?

24 A. Yes.

25 Q. Have you ever met anyone from Nanjing

1 University?

2 A. No.

3 Q. What about Nanjing Forest University?

4 A. No.

5 Q. Do you know if anyone working for DGS
6 cooperated with Nanjing University?

7 A. I have no knowledge of anything to do
8 with this.

9 Q. The bottom section says:
10 Owns 41 Chinese national patents and
11 one international patent.

12 Is that right?

13 A. That's what it says.

14 Q. You testified earlier that DGS did not
15 own any patents; is that right?

16 A. To my knowledge.

17 Q. So according to your knowledge, this
18 statement is not accurate; is that correct?

19 MR. DALEY: Objection.

20 THE WITNESS: I have no knowledge of
21 anything that -- any patents that DGS owns.

22 BY MR. TOWNSEND:

23 Q. So just to review, you testified
24 earlier that you, Heather Darnell, and Jyotika
25 worked for DGS --

1 A. As independent --

2 Q. -- is that right?

3 A. Well, Heather and I worked as
4 independent contractors. I don't know about
5 Jyotika.

6 Q. But the three of you received
7 compensation from DGS; right?

8 A. Yes.

9 Q. And you don't know of anyone else that
10 received compensation from DGS?

11 A. I do not know of any -- any other, no.

12 Q. So did Heather Darnell perform research
13 on antifoam?

14 MR. DALEY: Objection.

15 THE WITNESS: No.

16 BY MR. TOWNSEND:

17 Q. Did Jyotika perform research on
18 antifoam?

19 A. No.

20 MR. DALEY: Objection.

21 BY MR. TOWNSEND:

22 Q. Did Shiv perform research on antifoam?

23 MR. DALEY: Objection.

24 THE WITNESS: I have no idea.

25 MR. TOWNSEND: We'll try to slow down,

1 Mr. Allen. Mr. Daley is trying to get in
2 objections, and we'll want to be careful that those
3 are picked up on the record. I apologize.

4 MR. DALEY: Thanks, Nate.

5 BY MR. TOWNSEND:

6 Q. Mr. Allen, if you could scroll down to
7 the next page it also says About DGS Nanjing.

8 A. This is going to get tedious.

9 Q. Mr. Allen, DGS didn't own a facility in
10 Nanjing covering an area of 15 acres as presented
11 on this PowerPoint; correct?

12 MR. DALEY: Objection.

13 THE WITNESS: I have no idea.

14 BY MR. TOWNSEND:

15 Q. You testified earlier that DGS didn't
16 own any buildings of any kind; correct?

17 A. To my knowledge.

18 Q. Did you ever receive an email from
19 someone working at the largest antifoam production
20 base in Asia owned by DGS?

21 A. Nothing to do with antifoam.

22 Q. Did Heather Darnell --

23 A. No.

24 Q. -- work with anyone from Nanjing?

25 A. No.

1 Q. Sorry. Restate. Thanks. What about
2 Jyotika?

3 A. Have no idea.

4 Q. It says here that DGS Nanjing had 30
5 full-time scientists. Did I see -- read that
6 correctly?

7 A. That's what it says.

8 Q. Have you ever met a scientist who
9 worked for DGS?

10 A. No.

11 Q. Have you ever heard of the name of a
12 scientist who worked for DGS?

13 A. No.

14 Q. Mr. Allen, if you'll scroll down to
15 slide 11, please. It says -- title is DGS. Then
16 there's some letters and numbers. It's CS-500A-2.

17 A. Okay.

18 Q. Did DGS own a patent labeled DGS
19 CS-500A-2?

20 MR. DALEY: Objection.

21 THE WITNESS: I have no idea.

22 BY MR. TOWNSEND:

23 Q. Did you testify earlier that DGS did
24 not own any patents?

25 MR. DALEY: Objection.

1 THE WITNESS: To my knowledge.

2 BY MR. TOWNSEND:

3 Q. And you testified earlier that DGS
4 didn't lease any patents.

5 A. To my knowledge.

6 Q. So according to your knowledge, this is
7 not an accurate statement.

8 MR. DALEY: Objection.

9 THE WITNESS: I have no knowledge about
10 defoamer.

11 BY MR. TOWNSEND:

12 Q. Mr. Allen, that wasn't quite what I
13 asked.

14 A. You asked if I could verify that this
15 was incorrect; right? That this was incorrect or
16 false, and I have no idea if it's false or true.

17 Q. You've never heard of this patent
18 before; correct?

19 A. I have no -- no dealings with antifoam
20 or defoamer, so no.

21 Q. Mr. Allen, you testified earlier that
22 DGS had one customer; is that right?

23 A. That I dealt with, yes.

24 Q. And that was International Paper?

25 A. Yes.

1 Q. Did you ever hear of any other
2 customers?

3 A. There were -- not domestically.

4 Q. Were there international customers?

5 A. Kumar had businesses in South Asia,
6 that I have no idea what they were.

7 Q. When you say "businesses," are you
8 referring to DGS?

9 A. The big umbrella, but not -- not the
10 part supplying chemicals to International Paper.

11 Q. Why did DGS not supply to other
12 customers in the United States?

13 A. I do not know. I didn't deal with
14 contracts.

15 Q. Sorry. What was that?

16 A. I did not deal with contracts.

17 Q. You said that DGS was a big umbrella;
18 correct?

19 A. Apparently.

20 Q. But you also said that only three
21 people were compensated by DGS that you know of;
22 right?

23 A. Yes.

24 Q. So how do you know they were a big
25 umbrella?

1 A. Because the businesses in South Asia
2 were also under DGS.

3 Q. How do you know that?

4 A. From Kumar.

5 Q. What were the businesses?

6 A. I have no idea.

7 Q. So he told you that there were
8 businesses with DGS in South Asia, but he didn't
9 tell you what they were.

10 A. It was -- didn't need to know.

11 Q. Why did he tell you?

12 A. Because he was always going over there.

13 Q. Scroll down to slide 34, please.

14 A. And?

15 Q. It's labeled Logistics and Supply:
16 International Experience.

17 A. Okay.

18 Q. Do you see where it says "Currently
19 have over 2,000 customers"?

20 A. Okay.

21 Q. DGS didn't have over 2,000 customers,
22 did it?

23 MR. DALEY: Objection.

24 THE WITNESS: I have no idea.

25 BY MR. TOWNSEND:

1 Q. Could you name one of the other
2 customers?

3 A. It was not in my job description.

4 Q. Shiv never casually mentioned to you
5 the name of anyone else he worked for?

6 MR. DALEY: Objection.

7 THE WITNESS: No.

8 BY MR. TOWNSEND:

9 Q. See all these stars on the map?

10 A. Yeah.

11 Q. Can you tell me how many stars are in
12 the United States?

13 A. Looks like five.

14 Q. I have seven. Is that more accurate?

15 A. Maybe six. One of them looks like is
16 in Canada. Oh, there's another one under there.
17 Okay. Seven.

18 Q. Do you know what these stars represent?

19 A. No. Looks like one of them is me, one
20 of them is Heather, one of them is Memphis. The
21 four white ones. And one of them is Jyotika. The
22 four white ones. I don't know what the others are.

23 Q. You already testified that DGS doesn't
24 have any buildings in the United States; right?

25 A. That I know of.

1 Q. And it doesn't have any warehouses in
2 the United States?

3 A. No.

4 Q. So what do the three black stars
5 represent?

6 A. I do not know.

7 Q. Scroll down to the next slide, please.
8 It's Logistics and Supply: Local Supply Chain and
9 Warehousing.

10 A. Okay.

11 Q. In the first column it says:

12 Warehousing in Portland, Oregon.

13 You testified earlier that DGS does not
14 own warehouses in the United States; right?

15 A. This has to do with defoamer. I have
16 no idea.

17 Q. But you testified to that; correct?

18 A. To my knowledge.

19 Q. Did you ever hear of DGS's defoamer
20 warehouse?

21 MR. DALEY: Objection.

22 THE WITNESS: I had no contact with
23 anything to do with defoamer.

24 BY MR. TOWNSEND:

25 Q. Who at DGS would?

1 A. I do not know.

2 Q. Did you ever drive up to the warehouse
3 in Richmond, Virginia, that DGS owned?

4 A. This has to do with defoamer. I have
5 no contact with anything to do with defoamer.

6 Q. So you didn't drive up to the warehouse
7 in Richmond, Virginia?

8 A. Nope.

9 Q. You testified earlier that you would
10 periodically visit International Paper mills; is
11 that correct?

12 A. Yes.

13 Q. Did you visit the Springfield mill in
14 Oregon?

15 A. Yes.

16 Q. Do you know how close Springfield is to
17 Portland?

18 A. That's where I flew into. I -- it's
19 been a while.

20 Q. But you didn't stop by the Portland DGS
21 warehouse; correct?

22 A. It was not on my trip agenda. I had
23 nothing to do with defoamer. That had to do with
24 the size contract.

25 Q. Mr. Allen, the last slide, 38, titled

1 Safety Initiatives, if you could scroll down,
2 please.

3 A. Okay.

4 Q. DGS didn't have a mandatory safety
5 orientation for new employees; correct?

6 A. Not that I know of.

7 Q. So why would someone write that on this
8 slide?

9 A. I do not know.

10 Q. Do you think they were trying to -- do
11 you think the author of this slide was trying to
12 deceive his audience --

13 MR. DALEY: Objection.

14 BY MR. TOWNSEND:

15 Q. -- that there was mandatory safety
16 orientation?

17 MR. DALEY: Objection. Sorry, Nate.

18 THE WITNESS: I have no idea what the
19 purpose was.

20 MR. TOWNSEND: Mr. Allen, you can hop
21 out of that one whenever you want to. I'm going to
22 be uploading another exhibit. Hopefully I'll do it
23 right this time. No promises. It's going to take
24 a little while to load, so we can all just sit
25 tight.

1 (EXHIBIT 18, DGS PowerPoint: Aligned
2 Partnership, Aligned Success, dated 11-4-19, marked
3 for identification.)

4 BY MR. TOWNSEND:

5 Q. Mr. Allen, if you could refresh, you
6 should have an Exhibit 18 up in your Exhibit Share
7 at this point. Do you have that up yet, Mr. Allen?

8 A. It's loading. It says "May take a
9 minute."

10 Q. No problem. Just let me know when it's
11 up and if you could get familiar with it. Just let
12 me know when you're done.

13 A. Looks like I need more bandwidth.

14 Q. Is it working for you now, Mr. Allen?

15 A. Not yet. Let's see. "File preview
16 generation is still in progress. You can stay on
17 this page and keep retrying manually or exit link
18 preview and return at a later time." Hmm. Try
19 again. Ah, here we go. Exhibit 18?

20 Q. Yes, sir.

21 A. (Perusing.)

22 Q. Not to waste our time, Mr. Allen.

23 Sorry to interrupt. I'm just making sure you
24 actually have it up now; is that right?

25 A. I do have it up.

1 Q. Okay. Thanks.

2 A. It's vaguely familiar, but I was not
3 the presenter. I don't even remember being present
4 when it was presented, so this part doesn't look
5 familiar at all. I don't know.

6 Q. Okay. You've already commented shortly
7 on this, but just to clear the record up, you have
8 seen this document before; is that correct?

9 A. I'm not sure. I've seen parts of it
10 before.

11 Q. The first slide has a date of November
12 4th, 2019. Is that the date that you went to
13 Memphis with Heather Darnell to present to
14 International Paper?

15 A. Sounds right.

16 Q. Is this the PowerPoint that was used in
17 that presentation?

18 A. I don't know that it was completely
19 presented. Or ever presented, actually.

20 Q. Did you --

21 A. That meeting -- that meeting was not --
22 well...

23 Q. What were you going to --

24 A. We didn't get to say much.

25 Q. You didn't say much? How long was the

1 meeting?

2 A. I don't remember exactly, but it was an
3 hour, maybe two.

4 Q. Did you create any of the slides for
5 this PowerPoint, or any of the content in this
6 PowerPoint, if you recall?

7 A. Possibly the slide titled "DGS Presence
8 in the Mills," possibly. At least contributed
9 content. I did not create this slide because it
10 has products on here that I don't have anything to
11 do with. Jyotika probably created the slide.

12 Q. I'm sorry. Who did you say probably
13 created the slide?

14 A. Jyotika, probably.

15 Q. And the slide we're referring to is
16 slide 10; is that correct?

17 A. It doesn't -- page numbers don't show
18 up where I'm looking, but it says "DGS Presence in
19 Mills."

20 Q. Thank you. Mr. Allen, do you know
21 besides yourself who contributed content to this
22 PowerPoint?

23 A. No.

24 Q. Who spoke at the November 4th meeting?

25 A. Let's see. I tried to. Kumar was on

1 speakerphone, and he spoke some. I don't remember
2 anybody else. No, I don't remember anybody else.

3 Q. Did Shiv use this PowerPoint when he
4 was speaking?

5 A. I don't remember.

6 Q. And you didn't use this PowerPoint;
7 correct?

8 A. I did not, no.

9 Q. I understand we don't have page
10 numbers, but if you could scroll down to the third
11 slide it says "Diversified Global Sourcing, Inc.
12 (DGS) - Overview."

13 A. Okay.

14 Q. That first bullet point says:

15 Company envisioned in 2001 by a team of
16 PhD chemists dealing in cathodic protection and
17 field joint protection for pipelines in the oil and
18 gas industries.

19 Am I reading that correctly?

20 A. Yes.

21 Q. Is that your understanding of how DGS
22 was formed?

23 MR. DALEY: Objection.

24 THE WITNESS: I know that he had
25 company -- had businesses with the oil and gas

1 industry. I don't know anything more about it than
2 that.

3 BY MR. TOWNSEND:

4 Q. Does the year sound about right, 2001?

5 A. I have no idea.

6 Q. If you'd go down to the next slide, it
7 says "Team."

8 A. Okay.

9 Q. Next to Heather Darnell's description
10 it has the acronym SOO. Do you see that?

11 A. Yes.

12 Q. What is SOO?

13 A. Hmm. I don't know.

14 Q. Earlier you testified, if I'm
15 remembering correctly, that Ms. Darnell would serve
16 as a backup to you when you were traveling; is that
17 right?

18 A. Yes.

19 Q. Where would you be traveling to?

20 A. Sometimes to the mills, sometimes on
21 vacation.

22 Q. Are you familiar with the name Joe
23 Arnold?

24 A. No.

25 Q. What about Scott Minter?

1 A. No.

2 Q. Why are they included on the team slide
3 for DGS if you don't know who they are?

4 A. I had no contact with them. I don't
5 know.

6 Q. Did you meet them at the November 4th
7 meeting?

8 A. Possibly. There were others there. I
9 don't -- that I didn't know.

10 Q. If you go down to the next slide, slide
11 5, it's titled "Current Presence - Distribution and
12 Manufacturing Centers."

13 A. Okay.

14 Q. DGS didn't have a distribution or
15 manufacturing center in Burlingame, California, did
16 it?

17 A. That's where the corporate office was.

18 Q. But it didn't have a distribution and
19 manufacturing center; right?

20 MR. DALEY: Objection.

21 THE WITNESS: Not that I know of.

22 BY MR. TOWNSEND:

23 Q. DGS didn't have a distribution or
24 manufacturing center in South Carolina; right?

25 A. Well, when you say "distribution," that

1 also includes me. So yes.

2 Q. So your home office.

3 A. Yes.

4 Q. Anything else besides your home office?

5 A. No. Well, Heather, but she's also here
6 in Charleston.

7 Q. In Heather's home office; right?

8 A. Yes.

9 Q. DGS didn't have a distribution or
10 manufacturing center in Memphis; correct?

11 A. That's -- that rent -- that leased
12 office space.

13 Q. Nothing besides the leased office
14 space?

15 A. Not that I know of.

16 Q. DGS didn't have a distribution and
17 manufacturing center in Louisiana; correct?

18 A. That's where the green cleaning guy was
19 based.

20 Q. And he was a subcontractor?

21 A. Yes.

22 Q. He had his own company?

23 A. Yes.

24 Q. He serviced other clients besides DGS?

25 A. Yes.

1 Q. DGS didn't have a distribution and
2 manufacturing center in Chennai, India; correct?

3 A. I have no idea.

4 Q. Did DGS ever import chemicals from
5 Chennai, India, to sell to International Paper?

6 A. No.

7 Q. Did DGS ever import chemicals from
8 Nanjing, China, to sell to International Paper?

9 A. No. To my knowledge.

10 Q. If you could scroll down again to slide
11 12 which is listed as "Safety Initiatives."

12 A. Okay.

13 Q. Earlier you testified that you did not
14 receive any safety orientation training from anyone
15 from DGS; correct?

16 A. That's correct.

17 Q. And you testified that Heather Darnell
18 didn't either; right?

19 A. Correct.

20 Q. And you testified that Jyotika didn't
21 either; right?

22 A. I have no idea.

23 Q. So this slide or this bullet point on
24 this slide is not accurate; correct?

25 MR. DALEY: Objection.

1 THE WITNESS: It doesn't specify who is
2 conducting the safety orientation, so I can't say
3 that it is incorrect.

4 BY MR. TOWNSEND:

5 Q. Did you receive 10 hours of OSHA
6 training from DGS?

7 A. From DGS, no.

8 Q. Did you receive --

9 A. Hmm. Probably not.

10 Q. Did you ever undergo 10 hours of OSHA
11 training from anyone during the time period in
12 which you were working for DGS?

13 A. I did not.

14 Q. Did Heather Darnell?

15 A. Not to my knowledge.

16 Q. Did Jyotika?

17 A. I have no idea.

18 Q. Who were the managers at DGS?

19 A. I presume I'm one of them, but I don't
20 know any others.

21 Q. But you testified that you didn't
22 receive 10 hours of OSHA training previously;
23 right?

24 A. That's true.

25 Q. So this bullet point is not accurate;

1 correct?

2 MR. DALEY: Objection.

3 THE WITNESS: Not -- as far as it
4 applies to me.

5 BY MR. TOWNSEND:

6 Q. And you said you presume you're one of
7 the managers; correct?

8 A. Yes.

9 Q. Did anyone at DGS ever track total
10 incidents recorded?

11 A. We had no incidents, so there was
12 nothing to track.

13 Q. And you had no incidences because
14 everyone was just working from home; right?

15 A. Well --

16 MR. DALEY: Objection.

17 THE WITNESS: -- we didn't go to the
18 mills.

19 BY MR. TOWNSEND:

20 Q. When you say "we," are you referring to
21 you --

22 A. And Heather.

23 Q. -- and Heather Darnell?

24 A. Yeah.

25 Q. And you said you would go to mills when

1 there --

2 A. Infrequently, so...

3 Q. What's that?

4 A. Say again?

5 Q. No. Just repeat what you just said.

6 A. I said infrequently, but yes, we would
7 go to mills.

8 Q. Did DGS ever record lost-time
9 incidences?

10 A. No.

11 Q. Do you know what a lost-time incident
12 is?

13 A. Yes.

14 Q. Can you tell me what that is?

15 A. Where you were injured on the job and
16 were no longer able to perform your job for --

17 Q. So DGS employees wouldn't incur
18 lost-time incidences because they primarily worked
19 from home; correct?

20 A. I would -- I would say so.

21 Q. Except for occasional mill visits --

22 A. Yes.

23 Q. -- by you and Ms. Darnell.

24 A. Yes.

25 Q. If you could scroll down to slide 16,

1 it says "About DGS - Nanjing."

2 MR. DALEY: I'm sorry. What number was
3 that, Nate?

4 MR. TOWNSEND: 16.

5 MR. DALEY: Thank you.

6 THE WITNESS: "About DGS - Nanjing"?

7 Is that where we --

8 BY MR. TOWNSEND:

9 Q. Correct.

10 A. Okay.

11 Q. First it says -- the first bullet point
12 says:

13 Established in 1992.

14 Is that right?

15 MR. DALEY: Objection.

16 THE WITNESS: That's what it says.

17 BY MR. TOWNSEND:

18 Q. On the previous slide we read that DGS
19 was envisioned in 2001; is that right?

20 A. Yep.

21 Q. So why is it saying that DGS was
22 established in 1992 on this slide but envisioned in
23 2001 on slide 3?

24 MR. DALEY: Objection.

25 THE WITNESS: I have no idea.

1 BY MR. TOWNSEND:

2 Q. It says "New factory established in
3 2019 and complete," is the second bullet point;
4 correct?

5 A. That's what it says.

6 Q. What's the new factory?

7 A. I have no idea.

8 Q. You never heard Shiv mention that a new
9 factory was under construction anywhere?

10 MR. DALEY: Objection.

11 THE WITNESS: No.

12 BY MR. TOWNSEND:

13 Q. Why is DGS presenting this information
14 to International Paper?

15 A. I have no idea.

16 Q. Let's scroll down to the next slide,
17 please, Mr. Allen, and it's also "About DGS -
18 Nanjing."

19 A. Okay.

20 Q. You testified previously that DGS did
21 not import chemicals from China for sale to
22 International Paper; correct?

23 A. That I know of.

24 Q. Why is DGS telling International Paper
25 about its largest antifoam production base in China

1 if it doesn't import chemicals for sale to
2 International Paper from China?

3 A. Potentially --

4 MR. DALEY: Objection.

5 THE WITNESS: -- for new business.

6 BY MR. TOWNSEND:

7 Q. Do you remember what the purpose of the
8 November 4th, 2019 meeting was?

9 A. I don't know.

10 Q. Did you previously testify that it was
11 to justify your existence as DGS?

12 MR. DALEY: Objection.

13 THE WITNESS: That's what -- that's how
14 it ended up. It was a -- when Jag was retiring and
15 someone else was taking over, so we were -- it was
16 supposed to be a meet-and-greet, as far as I knew.

17 BY MR. TOWNSEND:

18 Q. Did Shiv tell you what the purpose of
19 the meeting was?

20 MR. DALEY: Objection.

21 THE WITNESS: As far as I knew, it was
22 a meet-and-greet.

23 BY MR. TOWNSEND:

24 Q. That actually wasn't my question,
25 Mr. Allen. Did Shiv ever tell you what the purpose

1 of the meeting was? Do you recall?

2 A. That was the purpose that he told me it
3 was.

4 MR. TOWNSEND: Okay, Mr. Allen. We're
5 done with this PowerPoint. I'm going to be pulling
6 up the next one. Rest assured, this one's smaller.

7 (EXHIBIT 19, Employee Information for
8 Jyotika Balsara, Mark Allen, and Heather Darnell,
9 marked for identification.)

10 BY MR. TOWNSEND:

11 Q. Okay. It should be introduced now, if
12 you could locate it. It is Exhibit 19.

13 A. Okay.

14 Q. Any chance you've seen this before,
15 Mr. Allen?

16 A. Possibly.

17 Q. Can you tell me what the contents of
18 this document are?

19 A. Actually, no, I haven't, because that
20 has salaries on it. So I have never seen Jyotika's
21 salary. So I don't know.

22 Q. Are these job descriptions for you,
23 Ms. Darnell, and Jyotika?

24 A. Appear to be correct.

25 Q. Sorry. Just to repeat that then, so

1 the job description for you appears to be correct;
2 is that right?

3 A. Yes.

4 Q. Is there anything left off of this
5 description?

6 A. No.

7 Q. And the job description for Heather
8 Darnell appears to be correct?

9 A. Yes.

10 Q. Is there anything left off of
11 Ms. Darnell's job description that you know of?

12 A. No.

13 Q. And lastly, is the job description for
14 Jyotika correct?

15 A. Yes.

16 Q. Do you know if anything has been left
17 out of that job description?

18 A. I don't -- not that I know of.

19 Q. You testified previously you didn't
20 know Jyotika's salary; is that right?

21 A. That's correct.

22 Q. So is it surprising to you that she was
23 making almost three times as much as you?

24 A. No.

25 Q. Was Jyotika related to Shiv by family?

1 A. Not that I know of.

2 Q. And apologies if I've already asked you
3 this. This is the complete universe of people who
4 worked for DGS during your time there; correct?

5 A. That I had contact with.

6 MR. TOWNSEND: Okay, Mr. Allen. We're
7 going to pull up another exhibit. I'm getting
8 better. You should all be very pleased.

9 THE WITNESS: Not a very steep learning
10 curve, apparently.

11 (Court reporter asked for clarification
12 due to feedback.)

13 THE WITNESS: I would like to imagine
14 that we're all just really sharp and that's why we
15 can perform this task.

16 (EXHIBIT 20, Email Chain to
17 Mr. Phillips from Mr. Allen dated 7-6-18, marked
18 for identification.)

19 MR. TOWNSEND: Okay, Mr. Allen. I have
20 introduced Exhibit 20. And after doing all of my
21 gloating, I've realized that we have actually
22 uploaded this exhibit, so I'm going to go ahead and
23 do another one as 21. Just bear with me.

24 (EXHIBIT 21, Email Chain to Mr. Branch
25 from Mr. Allen dated 11-19-15, marked for

1 identification.)

2 BY MR. TOWNSEND:

3 Q. Okay, Mr. Allen. Now we should have
4 Exhibit 21 up.

5 A. (Perusing.) Okay.

6 Q. And I appreciate you reviewing the
7 entire thing, but I'm actually just going to focus
8 on one email. It's from you on November 19th,
9 2015, at 7:30 AM on the first page. Can you direct
10 your attention there, please?

11 A. Okay.

12 Q. You say:

13 I don't like to travel on Monday,
14 because I schedule most deliveries for the week on
15 Monday.

16 Is that right?

17 A. Yes.

18 Q. So I'm trying to get an understanding
19 of your work, scheduling deliveries for a single
20 mill on a single week. How long would it take you
21 to schedule deliveries, typically?

22 A. Depending on the mill. Some mills
23 would only require one delivery a week. Some mills
24 would require -- like Texarkana would require two
25 or three deliveries a day. So it depends.

1 Q. Which mills required only one delivery
2 a week that you recall?

3 A. Most of them.

4 Q. When you say "most," could you try to
5 give me a number?

6 A. Well, I don't remember how many mills
7 we ended up servicing, and at the end Texarkana was
8 sold to somebody else, so they weren't a customer
9 of ours anymore. We did keep them for a while, and
10 then their purchasing department canceled the
11 contract. So nearly all of them were either one or
12 two deliveries a week.

13 Q. Okay. How long would it take you to
14 schedule the two to three deliveries a week for one
15 of the mills?

16 A. My typical day was like two or three
17 hours in the morning.

18 Q. Two or three hours every day of the
19 week?

20 A. Yes. Well, five days a week.

21 Q. Of course.

22 A. But I was on call on the weekend.

23 Q. How long would it take you to review
24 one of the emails from the PI system?

25 A. That was a data point and it was

1 entered into a spreadsheet. And so as soon as the
2 data was in the spreadsheet I could project out
3 when the need was. So, you know, it -- none of the
4 spreadsheets by themselves took very long.

5 Q. Would it take just a couple minutes,
6 perhaps?

7 A. Perhaps.

8 Q. Do you think it took two to three
9 minutes?

10 A. Probably five to ten minutes per mill
11 per day for the spreadsheet part, and then working
12 with the suppliers for the deliveries. So that --
13 yeah.

14 Q. So was your work with DGS a part-time
15 job?

16 A. Yes.

17 Q. Did you have any other jobs?

18 A. No.

19 Q. Can you tell me what Trail Life USA is?

20 A. It is a Christ-centered, outdoor
21 adventure program for boys.

22 Q. I'll represent to you, Mr. Allen, just
23 to keep things moving along, that I understand you
24 were a volunteer for Trail Life USA?

25 A. Still am.

1 Q. How much time would you spend
2 volunteering for Trail Life USA on a weekly basis?

3 A. Again, depends on the week, but
4 several -- well, five to ten hours a week,
5 probably.

6 Q. And you weren't being compensated.
7 That was volunteer work?

8 A. Yes.

9 Q. Would you go on any camping trips for
10 Trail Life USA?

11 A. Yes.

12 Q. Were these overnight trips?

13 A. Yes.

14 Q. How often --

15 MR. TOWNSEND: Strike that.

16 BY MR. TOWNSEND:

17 Q. In 2013 how many overnight camping
18 trips did you do with Trail Life USA?

19 A. In 2013 Trail Life USA didn't exist.

20 Q. When did Trail Life USA begin to exist?

21 A. January 1st, 2014.

22 Q. So in 2014 how many overnight camping
23 trips did you undertake --

24 A. None.

25 Q. -- if you recall? Ten?

1 A. None.

2 Q. None. When was the first overnight
3 camping trip you took with Trail Life USA, if you
4 recall?

5 A. Probably 2015, when my son joined the
6 first troop in this area.

7 Q. Do you remember how many trips you
8 took -- overnight trips you took in 2015?

9 A. Maybe three.

10 Q. What about in 2019?

11 A. 2019?

12 Q. (Moves head up and down.)

13 A. Probably none.

14 Q. No offense is meant by this, Mr. Allen.
15 Did someone else in your household serve as the
16 primary income creator?

17 A. No.

18 Q. And again, no offense meant. How were
19 you all -- your family living off 30,000 a year
20 during the time you worked at DGS?

21 A. It was supplemental income. I have
22 investments. 2008 was a bad year for investments,
23 and that's the reason I looked for a job.

24 Q. Back to Exhibit 21. Is it accurate
25 that you would schedule most deliveries for the

1 week on a Monday?

2 A. I would plan most of the deliveries on
3 Monday. The scheduling I did every day. But yes,
4 the heaviest scheduling was on Monday.

5 Q. And there was no scheduling Tuesday
6 through Friday; right?

7 A. There was scheduling Tuesday through
8 Friday, but if I was going out of town, like this
9 email suggests that I would be visiting -- where
10 would this be? This would be -- I don't know where
11 this would be.

12 Q. To speed things along, was it the
13 Franklin mill?

14 A. Franklin mill? Okay. Then I would
15 plan around not being in the office.

16 Q. Is the Franklin mill near Richmond,
17 Virginia?

18 A. I think it's near Wilmington, North
19 Carolina. No. Oh, no, no. Franklin, Virginia. I
20 don't remember.

21 MR. TOWNSEND: Okay, Mr. Allen. You
22 know, we've been going a while, everyone. I do
23 have more questions. I would approximate another
24 hour, maybe less. I don't know if we want to --
25 well, first of all, maybe we'll just go off the

1 record.

2 THE VIDEOGRAPHER: The time on the
3 monitor is 2:48 PM. We're going off the record.

4 (A recess transpired from 2:48 until
5 3:03.)

6 THE VIDEOGRAPHER: The time on the
7 monitor is 3:03 PM, and we're back on the record.

8 MR. TOWNSEND: Mr. Allen, I'm going to
9 be introducing another exhibit to you. Working
10 through that right now, and I'll let you know when
11 it's up.

12 (EXHIBIT 22, LinkedIn Profile for Mark
13 Allen, marked for identification.)

14 BY MR. TOWNSEND:

15 Q. Okay. It should be there now. This is
16 Exhibit 22.

17 A. Okay.

18 Q. Do you recognize this document,
19 Mr. Allen?

20 A. It looks like my LinkedIn profile.

21 Q. And as far as you can tell, is
22 everything on this document accurate about your
23 work experience?

24 A. Yes.

25 Q. Why did you not list DGS on your

1 LinkedIn?

2 A. Because the purpose of -- I created
3 this LinkedIn profile before DGS, and I updated it
4 to promote Trail Life. I didn't -- I wasn't
5 looking for a job.

6 Q. You mentioned -- you testified earlier
7 that part of your income comes from investments; is
8 that right?

9 A. Majority of it.

10 Q. How much time do you spend investing on
11 a weekly basis?

12 A. None. I have a portfolio set up that
13 generates -- or at that -- at the time when I got
14 the job with DGS I had a lot of real estate
15 investment trusts that vanished in 2008 and '09.
16 So that was where -- they were cash-generating
17 investments that disappeared. And so -- but now --
18 you know, I also had investments that generated
19 dividends. So I am not a stock trader. I have
20 investments that generate income.

21 Q. Back in 2011 how much time on a weekly
22 basis would you spend managing your investments?

23 A. On a week -- not very much at all.
24 Again, they generated income.

25 Q. This is not meant as an offense,

1 Mr. Allen, but what were you doing with your time
2 if you were doing two to three hours a day for DGS
3 and not much with your investments?

4 A. I was renovating my house that I had
5 inherited from my parents.

6 Q. And that's in South Carolina?

7 A. Yes. That's where I live now. What
8 does this have to do with DGS?

9 Q. Mr. Allen, again, not meant to offend,
10 but in this deposition I'll be asking the
11 questions, and I'll just stick to that. But I
12 appreciate your answers. I -- that's enough on
13 that exhibit. Thank you.

14 Now when it comes to these inventory
15 monitor emails you would receive from the PI
16 system, who owned the software that enabled you to
17 receive tank levels from your inbox?

18 A. International Paper.

19 Q. So International Paper installed the
20 technology required to do that?

21 A. Not for me, but yes. That was their --
22 their mill information system. It replaced
23 Millview.

24 Q. So they -- they incurred the cost to
25 set up that system; correct?

1 A. Yes.

2 Q. And DGS did not incur that cost; right?

3 A. No.

4 Q. So all you had to do to start
5 monitoring tank levels was provide your email
6 address to the mill; is that right?

7 A. Yes.

8 MR. DALEY: Objection.

9 BY MR. TOWNSEND:

10 Q. You didn't have to go out to the mill
11 to oversee any sort of installation of hardware or
12 software?

13 A. No. The information was already there
14 being distributed to the management and engineers,
15 and I just accessed it by email.

16 Q. And that would include -- I was going
17 to ask you next, Mr. Allen, who else received the
18 tank level emails?

19 A. Heather.

20 Q. Would people at International Paper
21 receive the tank level emails?

22 A. No. They have access to real-time
23 data.

24 Q. Would the suppliers of, let's say,
25 sodium hypochlorite, could they receive these tank

1 level emails?

2 A. They could.

3 Q. Do you know if they did?

4 A. They did not. But then they would also
5 have to have somebody to do something with it.

6 Q. Understood. Thank you. I am
7 introducing Exhibit 23 here to you. It should be
8 coming up soon.

9 (EXHIBIT 23, Email Chain to Mr. Allen
10 from Ms. Sanders dated 11-11-13, marked for
11 identification.)

12 BY MR. TOWNSEND:

13 Q. Do you see that, Mr. Allen? It should
14 have Exhibit 23 in the bottom right-hand corner of
15 the first page.

16 A. I'm seeing it now. Let's see. From me
17 to -- okay. Oh, Brenntag. Okay. (Perusing.) All
18 right.

19 Q. Any chance you remember this email back
20 from 2013?

21 A. Let me read it and see. (Perusing.)
22 Okay. Yes, I vaguely remember this.

23 Q. Okay. And so am I correct that
24 Ms. Sanders from International Paper has reached
25 out to you requesting a, quote,

1 Corrective/Preventative Action Plan regarding a
2 near-miss incident for hypo delivery? Is that what
3 I'm understanding Ms. Sanders --

4 A. Yes.

5 Q. -- is saying?

6 A. Yes.

7 Q. And she's asking you for this
8 Corrective/Preventative Action Plan; is that right?

9 A. Yes.

10 Q. And what do you do in response to
11 Ms. Sanders's email?

12 A. I contact our supplier.

13 Q. Is that because the supplier is
14 responsible for the transportation of the
15 chemicals?

16 A. Yes.

17 Q. So when you would arrange for a hypo
18 delivery, who would you contact?

19 A. The sales department of the supplier.

20 Q. And once you contacted the sales
21 department of the supplier, was it their
22 responsibility to find transportation and
23 ultimately move the chemical to the International
24 Paper mill?

25 MR. DALEY: Objection.

1 THE WITNESS: Yes.

2 BY MR. TOWNSEND:

3 Q. And if any sort of transportation
4 problems arose, those problems were the
5 responsibility of the supplier; correct?

6 A. Correct.

7 Q. You testified earlier about the need to
8 expedite shipping of chemicals on occasion. Do you
9 remember that testimony?

10 A. Yes.

11 Q. When you refer to expediting shipping,
12 did that mean you asked the supplier to find a
13 faster way to transport the chemicals? Is that --

14 MR. DALEY: Objection.

15 BY MR. TOWNSEND:

16 Q. -- what that meant?

17 A. I would look for alternate sources from
18 the -- from the supplier. They have multiple
19 facilities, and we would look for ways to schedule
20 it from another facility that would be a
21 replacement for the order that was delayed.

22 Q. So you would call different sales
23 personnel at one of the suppliers to find which
24 location could supply the chemical?

25 A. I had a primary contact with each

1 supplier that took care of various production
2 facilities of theirs.

3 Q. Okay. So you would -- you would reach
4 out to the primary contact, and they would look
5 around for where the chemical could be supplied
6 from their operations; is that right?

7 A. Correct.

8 Q. Did Jyotika ever engage in any sort of
9 non-bookkeeping activities for DGS?

10 A. She covered for me once, I think, when
11 I went to Brazil. So maybe. Probably.

12 Q. Did you offer -- and please feel free
13 to ask for clarification if you don't know what
14 this is.

15 Did you offer any sort of technical
16 service to the mills in relation to the chemicals
17 that DGS was selling?

18 A. No.

19 Q. Did Jyotika offer any technical
20 service?

21 A. No.

22 Q. Did Heather?

23 A. No.

24 Q. So would it be possible for a
25 salesperson at one of the suppliers to monitor

1 International Paper's tank levels in the same way
2 you did?

3 A. It would be possible.

4 Q. And they could take that information
5 and arrange orders for International Paper; is that
6 right?

7 A. If they had someone to do it.

8 Q. Why would International Paper choose to
9 use your services instead of going directly to the
10 supplier?

11 MR. DALEY: Objection.

12 THE WITNESS: Suppliers don't offer
13 that service.

14 BY MR. TOWNSEND:

15 Q. But they could offer that service.
16 That's right?

17 A. They could for a price.

18 Q. How much do you think that would cost
19 them?

20 MR. DALEY: Objection.

21 THE WITNESS: I have no idea. I didn't
22 deal with dollars.

23 BY MR. TOWNSEND:

24 Q. Do you know how much DGS was bringing
25 in in gross profit in 2011?

1 A. I have no idea. I didn't deal with
2 dollars.

3 Q. For any of the years do you know?

4 A. I have no idea.

5 Q. Would it surprise you to learn that DGS
6 was making more than 3 million in gross profit
7 every year?

8 MR. DALEY: Objection.

9 THE WITNESS: I have no idea.

10 BY MR. TOWNSEND:

11 Q. I understand you have no idea,
12 Mr. Allen, but does that number surprise you, or is
13 that something you would expect based on the
14 services you offered?

15 A. We handled a lot of pounds of product.
16 So a small margin adds up.

17 Q. What if the margin was 21 percent?

18 A. Okay.

19 Q. Would that surprise you?

20 MR. DALEY: Objection.

21 THE WITNESS: No.

22 BY MR. TOWNSEND:

23 Q. What if the margin was 86 percent?

24 MR. DALEY: Objection.

25 THE WITNESS: That would be a bit much,

1 but whatever.

2 BY MR. TOWNSEND:

3 Q. So you -- give me, if you can, the
4 complete packages of value that DGS was offering to
5 International Paper.

6 A. I can only offer what value I provided
7 for International Paper.

8 Q. What value did Jyotika provide?

9 MR. DALEY: Objection.

10 THE WITNESS: I can only offer the
11 value that I provided.

12 BY MR. TOWNSEND:

13 Q. So you don't know what Jyotika
14 provided?

15 A. No, other than the bookkeeping. I
16 mean, she did the accounts receivable, account
17 payable.

18 Q. So that was for DGS; right?

19 A. But that's for DGS, that's correct.

20 Q. What value did Shiv offer, if you know?

21 A. I have no idea.

22 Q. What value did Ms. Darnell offer, if
23 you know?

24 MR. DALEY: Objection.

25 THE WITNESS: The same as me.

1 BY MR. TOWNSEND:

2 Q. Just to a lesser extent when she was
3 filling in for you; right?

4 A. Correct.

5 Q. So all the value that DGS was offering
6 that you know of came from your work and the work
7 of Ms. Darnell; is that right?

8 MR. DALEY: Objection.

9 THE WITNESS: That's the value that I
10 know we were providing.

11 BY MR. TOWNSEND:

12 Q. If it was just the value that you
13 provided and the value that Ms. Darnell provided,
14 do you think that was worth \$3 million a year?

15 MR. DALEY: Objection.

16 THE WITNESS: I didn't deal with
17 dollars, so it's not my job.

18 BY MR. TOWNSEND:

19 Q. You mentioned earlier that you have a
20 lot of investments; is that right --

21 A. Yes.

22 Q. -- Mr. Allen? So you understand how to
23 make a return --

24 A. Yes.

25 Q. -- on your investment. Do you think

1 International Paper was getting a good return for
2 the \$3 million it spent --

3 MR. DALEY: Objection.

4 BY MR. TOWNSEND:

5 Q. -- on this?

6 MR. DALEY: Sorry, Nate. Objection.

7 THE WITNESS: It's not for me to say.

8 BY MR. TOWNSEND:

9 Q. But what do you personally think?

10 A. I will not offer an opinion.

11 Q. Mr. Allen, you are here pursuant to a
12 subpoena served on you, and you are required to
13 answer all questions truthfully and to the best of
14 your knowledge.

15 A. Yes, and I have. Doesn't require me to
16 give an opinion.

17 Q. So am I understanding that you are
18 refusing to tell me if you think DGS was a good
19 investment for International Paper when it is
20 making more than 3 million a year from your
21 services and the services of Ms. Darnell?

22 MR. DALEY: Objection.

23 THE WITNESS: Yes.

24 BY MR. TOWNSEND:

25 Q. Okay. I'll note at this time that

1 International Paper reserves the right to return to
2 question you, Mr. Allen, at another date on this
3 subject if we deem it necessary, and we'll continue
4 with our questions since we have a few others to go
5 through.

6 Mr. Allen, did you know that Shiv is
7 the half-brother of Jag?

8 A. I learned it from a FBI agent last
9 year. Some -- somewhere in that vicinity. Other
10 than -- before that I did not know.

11 Q. Were you surprised to learn that?

12 A. Yes.

13 Q. Do they look alike?

14 A. They're from the same part of the
15 world.

16 Q. Who was the FBI agent?

17 A. I don't remember his name.

18 Q. Was it Marcus Vance?

19 A. I don't remember his name.

20 Q. Do you recall what kind of questions he
21 asked you when he met with you?

22 A. Similar to the ones that you were
23 asking me today.

24 Q. Did he ask you about the value that DGS
25 provided International Paper?

1 A. No.

2 Q. Did you ever have any conversations
3 with any attorneys from the US Department of
4 Justice?

5 A. No.

6 Q. Did you have any conversations with any
7 personnel from Beazley Insurance Company?

8 A. No. Well, not the insurance company
9 itself. I had a conversation with -- is it Matt?
10 I'm sorry.

11 Q. Mr. Daley?

12 A. Pardon me?

13 Q. Mr. Daley?

14 A. Yes.

15 Q. Aside from Mr. Daley, did you have any
16 conversations with anyone else from his law firm of
17 Robinson & Cole?

18 A. No.

19 Q. How many conversations did you have
20 with Mr. Daley?

21 A. Just one.

22 Q. And that was a couple of weeks ago in
23 advance of this deposition?

24 A. Yes.

25 Q. And I think you testified earlier that

1 that was a conversation that lasted about 30
2 minutes?

3 A. Approximately.

4 Q. What kind of questions did Mr. Daley
5 ask of you?

6 A. He didn't ask me any questions. I
7 asked him what this was about.

8 Q. What did he say?

9 A. He said it was a lawsuit between
10 International Paper and the insurance companies
11 about the services that DGS provided.

12 Q. Did he give you any of his opinions on
13 the case?

14 A. I don't remember exactly. It was just
15 broad strokes, what -- what my deposition was going
16 to be concerned with.

17 Q. And you may have already told me this,
18 but just to be clear, did he tell you what your
19 deposition was going to be concerned with?

20 A. Just in general terms.

21 Q. Can you give me an example of what he
22 may have told you?

23 A. Like the questions that he asked me
24 earlier was, you know, that -- what I did, you
25 know, who I dealt with. Those kinds of things.

1 Q. Did you only have one meeting with the
2 FBI?

3 A. Yes. It was a phone call.

4 Q. That was my next question. Saving
5 time. And it was only one agent --

6 A. Yes.

7 Q. -- that you spoke to?

8 A. Yes.

9 Q. Did you ever speak to anyone from the
10 law firm of Clark Hill?

11 A. No.

12 Q. Did the FBI agent show you any
13 documents?

14 A. No. It was a phone call.

15 Q. You're right. I apologize. Did
16 Mr. Daley email you any documents?

17 A. No.

18 Q. Mr. Allen, do you remember when DGS
19 began selling chemicals to the Springfield mill?

20 A. The date? No, I don't remember.

21 Q. Could you give me the year, maybe?

22 A. Not a clue.

23 Q. No problem. I'm going to be
24 introducing another exhibit. I'm going to -- just
25 for your sake I'm going to tell you that we have

1 two to three to go.

2 A. Good.

3 (EXHIBIT 24, Email to Mr. Kumar from
4 Mr. Violette dated 6-5-12, marked for
5 identification.)

6 BY MR. TOWNSEND:

7 Q. Okay. It should be uploaded now as
8 Exhibit 24.

9 A. Okay.

10 Q. Mr. Allen, I'm going to assume --
11 sorry. I'm not sure if that's me. Mr. Allen, I'm
12 going to assume you have not seen this email
13 before. Is that correct?

14 A. That is correct.

15 Q. If you could take a moment to review
16 it, and then when you're done can you tell me what
17 Mr. Violette is telling Mr. Kumar?

18 A. (Perusing.) Wow. (Perusing.) Okay.

19 Q. Was it your understanding for the
20 Springfield mill that DGS, the contract with DGS
21 did not call for any service?

22 A. No, I was not aware of that.

23 Q. So Mr. Violette's second sentence to
24 Mr. Kumar is not accurate?

25 A. I never went anywhere "guns a blazing."

1 Q. Did you assert to members of
2 International Paper that the contract did not call
3 for any service?

4 A. I did not tell International Paper
5 that -- well, "service" is the keyword there.
6 There were Plasmine people on the ground at the
7 mill who were in charge of the application of the
8 size. The service that I was contracted for was to
9 provide the size. So that's...

10 Q. When you say --

11 (Court reporter asked for clarification
12 due to feedback.)

13 BY MR. TOWNSEND:

14 Q. When you say supplied the size, the
15 chemicals were supplied by Plasmine; is that right?

16 A. Correct.

17 Q. So Plasmine supplying the size, they're
18 in charge of application of the size. What was
19 DGS's role?

20 A. Just the ordering process.

21 Q. So it was, quote, Mr. Violette take and
22 process orders, period?

23 A. Apparently.

24 Q. Well, would you agree with
25 Mr. Violette?

1 A. That's not how it ended up, but yes, I
2 guess so.

3 Q. Well, how did it end up? Were there --

4 A. I did -- I did end up monitoring the
5 tank levels and stuff, but at least at the
6 beginning, no.

7 Q. When did you start monitoring the tank
8 levels for Springfield?

9 A. This has been a while. I don't
10 remember.

11 Q. Was it at some point in 2012?

12 A. I have no idea.

13 Q. Any chance it was 2013?

14 A. That's 10 years ago. I don't remember.

15 Q. To bring it current a little bit, was
16 it in 2019 that you started monitoring, or was it
17 earlier?

18 A. I have no idea.

19 Q. But you do remember monitoring tank
20 levels for size here?

21 A. To the best of my recollection.

22 MR. TOWNSEND: Okay. We have two more
23 exhibits.

24 (EXHIBIT 25, Email Chain to Mr. Kumar
25 from Ms. Balsara dated 10-17-18, marked for

1 identification.)

2 BY MR. TOWNSEND:

3 Q. Okay. That should be coming in pretty
4 soon, Mr. Allen. Have you been able to access it?

5 A. It's loading.

6 Q. Okay.

7 A. Exhibit 24? Is that it?

8 Q. 25, actually, unless I made a mistake.
9 It is a nine-page email chain. The first email is
10 from Jyotika on October 17th, 2018.

11 A. Okay. From Jyotika, October 17th,
12 2018. Okay.

13 Q. And feel free to correct me, Mr. Allen,
14 but I am going to presume that you have not seen
15 this email either, but please take the time you
16 feel that you need to review it. I'll tell you now
17 I'm going to be focused on the first two pages.

18 A. (Perusing.) Okay. I've looked over
19 the first two pages.

20 Q. Okay. Let's discuss these, at least,
21 and if you feel like you need additional context,
22 feel free to read more.

23 Do you recognize any of the people that
24 Jyotika emailed on that first email?

25 A. No.

1 Q. Okay. Is Jyotika -- it says -- if I'm
2 reading correctly, she says, "See notes below," and
3 then there is in the second email some
4 orange-colored text; is that right?

5 A. Yes.

6 Q. So is -- to the best of your
7 understanding, is Jyotika responding to questions
8 in this second email?

9 MR. DALEY: Objection.

10 THE WITNESS: She appears to be -- in
11 the first two pages appears to be responding to
12 questions, yes.

13 BY MR. TOWNSEND:

14 Q. Okay. Question No. 2 asked:

15 Does DGS repack or rebrand any goods
16 purchased from its vendors?

17 Is that right?

18 A. Yes.

19 Q. And her answer is:

20 No repackaging. Some products are
21 rebranded under DGS name; e.g., DGS sodium
22 hypochlorite.

23 Is that right?

24 A. Yes.

25 Q. Is Jyotika accurate, that there's no

1 repackaging?

2 A. Yes.

3 Q. Did you ever put a DGS label on a
4 product supplied from another supplier?

5 A. Yes.

6 Q. Why would you do that?

7 A. That's what I was told to do.

8 Q. Who told you?

9 A. Shiv.

10 Q. Do you know why he told you to do that?

11 A. No.

12 Q. Question No. 3 says:

13 Does DGS manufacture any products or
14 outsource manufacturing to a third party?

15 And the answer is no; right?

16 A. Correct.

17 Q. Is Jyotika accurate to respond no?

18 A. Yes.

19 MR. DALEY: Objection.

20 BY MR. TOWNSEND:

21 Q. Question 4 says:

22 Is DGS involved in the transportation
23 of goods from its vendors to its customers? If no,
24 then how are the goods transported from vendors to
25 customers?

1 And her response reads:

2 No — product is drop-shipped to

3 customer.

4 Is that right?

5 A. Yes.

6 Q. Is Jyotika accurate that DGS was not
7 involved in the transportation of goods from its
8 vendors to its customers?

9 MR. DALEY: Objection.

10 THE WITNESS: Yes.

11 BY MR. TOWNSEND:

12 Q. Could you restate that?

13 A. Yes.

14 Q. Thank you. Question No. 5:

15 Does DGS handle any material from the
16 time it procured goods from its vendors and sells
17 them to its customers? If yes, list the scientific
18 names of chemicals handled by DGS.

19 And her answer is no; is that right?

20 A. Yes.

21 Q. Is Jyotika accurate when she says DGS
22 does not handle any material from the time it
23 procures goods from its vendors and sells them to
24 its customer?

25 A. Yes.

1 MR. DALEY: Objection.

2 THE WITNESS: Yes.

3 BY MR. TOWNSEND:

4 Q. Thank you. If you'll scroll down to
5 the second page real fast there's a question No. 7
6 which reads:

7 Has DGS undergone any
8 environmental/safety audit in the last five years?

9 And the answer is no; is that right?

10 A. Yes.

11 Q. Why did DGS not need to go --
12 undergo -- excuse me. Let me restate.

13 Why did DGS not need to undergo any
14 environmental or safety audit in the last five
15 years?

16 MR. DALEY: Objection.

17 THE WITNESS: Above my pay grade.

18 MR. TOWNSEND: Okay, Mr. Allen. We're
19 going to go to our last exhibit.

20 (EXHIBIT 26, Email Chain to Ms. Riles
21 from Mr. Allen dated 7-17-17, marked for
22 identification.)

23 BY MR. TOWNSEND:

24 Q. Okay. This is Exhibit 26. It should
25 be in Exhibit Share at this point.

1 A. (Perusing.) Okay.

2 Q. Have you seen this email before; do you
3 recall?

4 A. I authored it.

5 Q. Can you tell me what you're doing in
6 this email?

7 A. Explaining why the truck didn't get
8 unloaded.

9 Q. Is Paula White from Georgia-Pacific
10 Company?

11 A. I -- that name rings a bell. I don't
12 see it on the email string. Oh, let's see. No.
13 Seems like she was my contact person with
14 Georgia-Pacific.

15 Q. And Amy Riles is also from
16 Georgia-Pacific?

17 A. Yes.

18 Q. So in this first email, are you telling
19 Georgia-Pacific that the IP Georgetown mill needs a
20 load or loads of Amres 8870N for delivery?

21 A. Yes.

22 Q. Is this an example of you placing an
23 order for chemicals to one of the IP mills?

24 A. Oh, I see. There's Paula White. Yes.

25 Q. And from here, once you sent this

1 email, the rest of the responsibility for supplying
2 the chemical remained with Georgia-Pacific; is that
3 right?

4 MR. DALEY: Objection.

5 THE WITNESS: Yes.

6 BY MR. TOWNSEND:

7 Q. And the responsibility for servicing
8 the chemical once it arrived at the mill was the
9 responsibility of Georgia-Pacific; is that right?

10 A. No.

11 Q. Whose responsibility was it?

12 A. The application was -- I think Nalco
13 did that for IP at Georgetown. I'm not entirely
14 sure.

15 Q. But it wasn't anyone from DGS; right?

16 A. No, it was not anyone from DGS.

17 Q. Mr. Allen, are you aware that Jag was
18 arrested in December of 2019 by the FBI?

19 A. No.

20 Q. Are you aware -- did Shiv ever tell you
21 why DGS lost its contract with International Paper?

22 A. No.

23 Q. Did you ever ask him?

24 A. No.

25 Q. Were you not curious?

1 MR. DALEY: Objection.

2 THE WITNESS: When I left the Memphis
3 meeting, that was clear, that something was up.
4 That meeting did not go well.

5 BY MR. TOWNSEND:

6 Q. Are you aware that Jag was charged with
7 wire fraud with the United States Department of
8 Justice?

9 A. No.

10 Q. Are you aware that Jag's bank accounts
11 were frozen as part of that criminal investigation?

12 A. No.

13 Q. Are you aware that Shiv's bank accounts
14 were frozen as part of that investigation?

15 A. No.

16 Q. Are you aware that Shiv agreed to
17 testify against Jag in the criminal matter?

18 A. No.

19 Q. Do you know if Shiv was willing to
20 testify against anyone else than Jag --

21 A. No.

22 Q. -- in the matter?

23 A. No.

24 Q. Why do you think International Paper
25 wanted to terminate its contracts with DGS?

1 MR. DALEY: Objection.

2 THE WITNESS: I did not have any idea.

3 BY MR. TOWNSEND:

4 Q. Now that you know that Shiv and Jag are
5 brothers, do you think it's because there was a
6 conflict of interest?

7 A. Possibly.

8 MR. TOWNSEND: Mr. Allen, thank you for
9 your time. I don't have any more questions,
10 subject to any possible further questioning from
11 Mr. Daley.

12 MR. DALEY: No. I'm all set as well,
13 Mr. Allen. Thank you. I realize it was a longer
14 day today, but I appreciate you bearing with us and
15 sticking around for the whole day and not cutting
16 out on us. So thank you very much.

17 THE WITNESS: Okay. Are we done?

18 MR. TOWNSEND: Yes. Thank you,
19 Mr. Allen. Hey, Max, do you mind staying on for
20 just a second to discuss scheduling?

21 THE VIDEOGRAPHER: The time on the
22 monitor is 3:46 PM, and we're going off the record.
23 Sorry.

24 (Off the record.)

25 THE REPORTER: Mr. Townsend, did you

1 want to order a transcript, a copy?

2 MR. TOWNSEND: Yes, ma'am. Standard
3 time works for us.

4 THE REPORTER: Okay. Very good. Thank
5 you.

6 (Off the record.)

7 MR. DALEY: And, Sandy, if you have a
8 rough, too, we'll take that whenever you get it.

9 MR. TOWNSEND: Oh, yeah, that would be
10 great.

11 MR. DALEY: And same thing. Standard,
12 full PDF is great.

13 THE REPORTER: Okay. Very good. Thank
14 you. I will do that.

15 (The right to read and sign this
16 transcript was not waived.)

17 (The deposition was concluded at
18 3:46 PM.)

19

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CERTIFICATE OF REPORTER

I, Sandra K. Bjerke, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript was transcribed to the best of my ability using the Zoom technology platform, including, but not limited to, its inherent shortcomings of garbled speech, overmodulation, and voice-overlap cancellation;

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 4th day of January, 2024 at Charleston, Charleston County, South Carolina.



Sandra K. Bjerke, RDR, CRR, CBC

My Commission Expires

May 6, 2030

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1 Mark W. Allen

2 markwallen56@gmail.com

3 January 4, 2024

4 International Paper Co. v Beazley Insurance Co. Inc., Et Al

5 12/20/2023, Mark W. Allen (#6355041)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-ny@veritext.com.

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

1 International Paper Co. v Beazley Insurance Co. Inc., Et Al

2 Mark W. Allen (#6355041)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

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21 REASON _____

22 _____

23 _____

24 Mark W. Allen

Date

25

1 International Paper Co. v Beazley Insurance Co. Inc., Et Al
2 Mark W. Allen (#6355041)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Mark W. Allen, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12 Mark W. Allen

Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored

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